

SIXTY-EIGHTH DAY

(Friday, May 10, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

| | |
|-------------------|-------------------|
| Mr. Speaker | Hardin |
| Adamson | Harris of Archer |
| Adkins | Harris of Dallas |
| Aikin | Head |
| Alexander | Herzik |
| Alsup | Hill |
| Ash | Hodges |
| Atchison | Hofheinz |
| Beck | Holland |
| Bergman | Hoskins |
| Bourne | Howard |
| Bradbury | Huddleston |
| Bradford | Hunter |
| Broyles | Hyder |
| Burton | Jackson |
| Butler of Brazos | James |
| Butler of Karnes | Jefferson |
| Cagle | Jones of Atascosa |
| Caldwell | Jones of Falls |
| Calvert | Jones of Runnels |
| Canon | Jones of Shelby |
| Celaya | Jones of Wise |
| Clayton | Keefe |
| Collins | King |
| Colquitt | Lange |
| Colson | Lanning |
| Cooper | Latham |
| Cowley | Leath |
| Craddock | Lemens |
| Crossley | Leonard |
| Daniel | Lindsey |
| Davis | Lotief |
| Davisson | Lucas |
| of Eastland | Luker |
| Dickison | Mauritz |
| Dunagan | McCalla |
| Dunlap of Hays | McConnell |
| Dunlap of Kleberg | McFarland |
| Duvall | McKee |
| Dwyer | McKinney |
| England | Moffett |
| Fain | Moore |
| Farmer | Morris |
| Fisher | Morrison |
| Ford | Morse |
| Fox | Newton |
| Frazer | Nicholson |
| Fuchs | Olsen |
| Gibson | Padgett |
| Glass | Palmer |
| Good | Patterson |
| Graves | Payne |
| Gray | Petsch |
| Greathouse | Pope |
| Hankamer | Quinn |
| Hanna | Reader |

| | |
|-------------------|------------------|
| Reed of Bowie | Steward |
| Reed of Dallas | Stinson |
| Riddle | Stovall |
| Roach of Angelina | Tarwater |
| Roane | Tennyson |
| Roark | Thornton |
| Roberts | Tillery |
| Rogers | Waggoner |
| Russell | Walker |
| Rutta | Wells |
| Scarborough | Westfall |
| Settle | Wood of Harrison |
| Shofner | Wood of Montague |
| Smith | Worley |
| Spears | Young |
| Stanfield | Youngblood |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain, offered the following invocation:

"Our Heavenly Father, we are taught in Thy word to pray for those in authority and in places of public responsibility. Wilt Thou take special knowledge of such in all parts of our land; and may we be wise as we try to protect our people and to encourage their right progress. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Hunt for today, on motion of Mr. Alsup.

Mr. Hartzog for today, on motion of Mr. Roane.

Mr. Knetsch for today, on motion of Mr. McKee.

Mr. Davison of Fisher for this morning, on motion of Mr. Fain.

The following members were granted leaves of absence on account of illness:

Mr. Fitzwater for today, on motion of Mr. Jones of Runnels.

Mr. Venable for today, on motion of Mr. Stovall.

Mr. Dwyer for yesterday, on motion of Mr. Lange.

Mr. Roach of Hunt for this morning, on motion of Mr. Newton.

EXTENDING INVITATION TO THE MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read the following communication:

The State Park Board invites all the members of the House of Representatives to be present at a Mother's Day Program, to be given at the Mother Neff's Park, on Sunday, May twelfth, at 3 p. m. The program is sponsored by Governor Neff and the State Park Board.

The Place—Mother Neff Park, near McGregor.

The Time—3 p. m., Sunday, May twelfth.

The Occasion—A Mother's Day Program with Governor Allred and others participating.

All are invited.

HUDDLESTON,
CAGLE,
JONES of Falls,
FORD.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Patterson offered the following resolution:

H. C. R. No. 155, To grant W. T. Dickerson permission to sue the State.

Whereas, W. T. Dickerson, while in the National Guard, was ordered to Camp Palacios; and although at that time said W. T. Dickerson was ill, his commanding officer refused to excuse him from attending said encampment, and while at said encampment and before he had recovered from such illness, he was ordered by the commanding officer, to aid in moving some heavy material, while doing so he became ruptured and has since been unable to perform any manual labor; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That said W. T. Dickerson be allowed to sue the State of Texas.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Fox offered the following resolution:

H. C. R. No. 165, Granting A. A. Jennings permission to bring suit against the State of Texas.

Whereas, On the thirteenth day of May, A. D. 1934, A. A. Jennings, of Granger, Texas, was leading a young racing mare, named "Kranz Baby," along State Highway No. 95, going in a southwesterly direction from the town of Granger, toward Taylor, Texas, and in crossing the bridge over Possum Creek on said highway, the flooring on said bridge gave away and said horse's both front feet went through the floor in said bridge and suffered severe injuries to both of her front legs, thereby inflicting serious and permanent injuries and rendering said horse absolutely worthless for any purpose; and

Whereas, The said A. A. Jennings desires to bring suit against the State Highway Department of Texas and/or against the State of Texas for the purpose of establishing that the said injuries to his said horse were the direct and approximate result of the negligence of the State Highway Department of Texas, and/or the State of Texas in allowing said bridge to become and remain a dangerous trap, and to recover his damages against the State Highway Department of Texas, and/or the State of Texas; therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the said A. A. Jennings be, and he is hereby, granted permission to bring suit in any court in Travis County having jurisdiction of the amount in controversy against the State Highway Department of Texas, and/or the State of Texas, to determine whether the injuries and damages mentioned herein were due to the negligence of the said State Highway Department, as set out herein, and to determine the amount of damage, if any, occasioned to the said A. A. Jennings, by reason of the injuries to his horse, resulting directly and approximately therefrom and to recover judgment therefor; and, be it further

Resolved, That service of citation and/or all other necessary process may be had upon the Highway Commission by service on the Chairman thereof, and upon the State of Texas by service upon the Attorney General, and that the said suit be tried under the same rules and in like manner as similar civil suits instituted against private corporations. That no execution shall issue on any judgment that may be recovered by the said A. A. Jennings, but that such judgment shall

be and constitute a charge as for operation and administration expenses against said Highway Department of Texas, and shall be paid off and discharged as such.

The resolution was read second time.

On motion of Mr. Alsup, the resolution was referred to the Committee on State Affairs.

RELATIVE TO AUTO LICENSE PLATES OF 1936

Mr. Reed of Dallas offered the following resolution:

H. C. R. No. 159, Relative to auto license plates of 1936.

Whereas, The year of 1936 will be the one hundredth year of Texas independence; and

Whereas, The people of Texas are going to celebrate the one hundredth year of Texas independence and progress; and

Whereas, The fact that many of our Texas cars and trucks travel out of State on business and vacations; and

Whereas, The fact that the traveling of these cars and trucks is one of the best advertising means possible; therefore be it

Resolved by the House of Representatives, the Senate concurring, That the Texas Highway Commission be requested to consult with the Texas Centennial Commission of Control in regard to the design of the license plate for the year 1936 with the view of manufacturing a plate of distinctive design using the colors of the Texas State Flag and bearing the word Centennial, for use during 1936.

The resolution was read second time.

Mr. Alsup raised a point of order on further consideration of the resolution, on the ground that the House has heretofore adopted a similar resolution.

EXPRESSING APPRECIATION FOR SERVICES OF HON. WALTER E. JONES

Mr. McFarland offered the following resolution:

Whereas, The Hon. Walter E. Jones is one of the outstanding members of the Forty-fourth Legislature, and by his unfailing courtesy has enshrined himself in the hearts of each and every member of the House; and

Whereas, He has written a poem in which he has expressed, in the most beautiful language, his affection and respect for the members and employes of the Forty-fourth Legislature, which poem should be preserved in the permanent records of the House; now, therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature, That it express its love for and appreciation of the Hon. Walter E. Jones while he is still living, and that the said poem be printed in the Journal, and a copy of the resolution delivered to him.

McFARLAND,
DAVISON of Fisher.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davisson of Eastland, Dickison, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Reader, the names of all the members were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

The following poem, composed by Hon. Walter E. Jones, was ordered printed in the Journal:

Memories

I often think of the souls I've met
In the stately Halls of Fame,
Of the faces dear that come back to me
Though I've really forgotten the name.

I think of the hands that steered our
Bark,
Of the minds that guided its Fate
As we glided along on the billowy waves

In our glorious Ship of State.

I think of those who served at the front

In the battle's thickest fight,
I think of those who brought up the rear

And stayed through the darkest night.

I think of the girls who typed our thoughts,

Of the pages who answered each call,

I think of the clerks and the Sergeant's force—

In fact, I think of them all.

And when I think of the friends I've met,

Men and women true,

Among those friends, I want you to know,

I often think of You.

Wherever I go, wherever I be,

Wherever Duty may call,

I'll always remember those wonderful friends

With a fervent "God Bless You All."

WALTER E. JONES.

Jourdanton, Texas.

RELATIVE TO PURCHASE OF RAY'S SESSION LAWS

Mr. Alsup offered the following resolution:

Whereas, Members of the House have received complimentary from the publisher the first two volumes of Ray's Advanced Session Laws; and

Whereas, The third volume will be ready for distribution before adjournment, which will be followed by two other books containing all General Laws of this Session, which are sold at \$10 per set; and

Whereas, The publisher is willing to sell 150 copies of the balance of these books at only \$2.00 per set; therefore, be it

Resolved, That this House subscribe for said 150 sets at that price to be delivered as fast as published, to be paid out of the Contingent Fund of the House.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 3, A bill to be entitled "An Act amending Article 924, Penal Code, 1925, making it unlawful to use certain explosives or other things harmful to fish in any of the waters of this State; providing a penalty, and declaring an emergency."

H. B. No. 60, A bill to be entitled "An Act amending House Bill No. 81, Chapter 29, Acts of the First Called Session, Forty-third Legislature, and House Bill No. 31 of the Third Called Session of the Forty-third Legislature; providing for commercial fishermen's license, wholesale fish dealers' license, retail fish dealers' license, in towns of certain population, retail oyster dealers' license, retail dealers' truck license, bait dealers' license, shrimp trawl license, shrimp trawl license permitting use of a 'try net,' seine or net license, fish boat license, skiff license, oyster dredge license, and fish guide license and the fees and requirements; etc. (Amended.)

H. B. No. 70, A bill to be entitled "An Act amending Article 2956 by adding thereto another section, Article 2956-a, providing that persons who are feeble, ill and confined in bed or confined to their places of abode by reason of illness, may vote as absentees, may vote under Article 2956; providing that persons who are ill, aged or decrepit, and who are unable to walk to the polls, may be driven in any vehicle, wheel chair or other conveyance to such voting place; etc., and declaring an emergency."

H. B. No. 139, A bill to be entitled "An Act amending Article 1021, Texas Code of Criminal Procedure of

1925, as amended by Acts, 1927, Fortieth Legislature, Chapter 236, Section 1, relating to salaries and per diem of district attorneys in all judicial districts composed of two or more counties; etc."

H. B. No. 157, A bill to be entitled "An Act to provide that constables shall be responsible for the official acts of their deputies; empowering constables to require bond and security of their deputies; etc."

H. B. No. 181, A bill to be entitled "An Act making an appropriation to remove the remains of certain Texas patriots, and providing for monuments for such patriots, and declaring an emergency."

H. B. No. 223, A bill to be entitled "An Act levying and imposing license taxes and occupation taxes on coin-operated vending machines as defined in the Act, providing for certain exceptions and exemptions, prescribing penalties for violation of acts prohibited hereby and for failure to do and perform acts required to be done and performed under the provisions of this Act, to repeal Chapter 116, Acts of the First Called Session of the Forty-third Legislature, and to provide against counties, cities, and towns imposing any additional occupation tax by virtue of the taxes levied and imposed by this Act; etc., and declaring an emergency." (Amended.)

H. B. No. 302, A bill to be entitled "An Act to amend Article 2726 of the Revised Civil Statutes of Texas, revision of 1925, and declaring an emergency."

H. B. No. 336, A bill to be entitled "An Act to amend Article 755 of Chapter 1, Title 9, of the Code of Criminal Procedure of the State of Texas, 1925, prescribing the time when motions for new trials may be made in misdemeanors and felony trials, and declaring an emergency."

H. B. No. 368, A bill to be entitled "An Act changing the time of holding the terms of the district court in the One Hundredth Judicial District; etc."

H. B. No. 372, A bill to be entitled "An Act to amend Article 4875a-21, Revised Civil Statutes of 1928, to provide for an adequate and efficient

method of examining local mutual aid associations organized and operating under Chapter 9a of the Revised Civil Statutes of 1925, and providing for an examination of said associations; etc." (Amended.)

H. B. No. 373, A bill to be entitled "An Act to amend Section 6 of House Bill No. 303, Chapter 245, page 856, of the Acts of the Regular Session of the Forty-third Legislature, to provide for an adequate and efficient method of examining State-wide mutual assessment insurance associations and companies qualifying and/or operating under the above chapter, and providing for the examination of said companies and associations every two years or oftener, if deemed advisable; etc., and declaring an emergency." (Amended.)

H. B. No. 374, A bill to be entitled "An Act amending Title 17, Chapter 6, of the Penal Code of Texas, by adding thereto an article to be known as Article 1404-a, defining attempted burglary of a vessel, steamboat, or railroad car, making attempted burglary of a vessel, steamboat, or railroad car a penal offense, and providing the punishment for said offense."

H. B. No. 375, A bill to be entitled "An Act providing that beaver may be taken in Val Verde County during the month of January and their pelts disposed of in conformity to the laws of this State; providing a penalty; repealing all laws, in so far as they conflict with the provisions of this Act, and declaring an emergency."

H. B. No. 601, A bill to be entitled "An Act making it unlawful for any person, firm, association, or corporation to pack for sale, sell, or offer for sale, wheat flour or other cereal flour, and corn meal only in standardized packages; providing for the size and net weight of said packages; etc." (Amended.)

H. B. No. 615, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any wild quail of any species for a period of three (3) years in Ector County, Texas; fixing penalty, and declaring an emergency."

H. B. No. 580, A bill to be entitled "An Act authorizing commissioners courts of certain counties to allow Stephen F. Austin Teachers College

to act as depository of certain historical documents and permitting the librarian and archivist of said college to give certified copies thereof, and declaring an emergency."

H. B. No. 691, A bill to be entitled "An Act to define and regulate 'auto caravans' using the highways of this State outside of the limits of incorporated cities, towns, or villages; placing the jurisdiction of the regulation of such auto caravans in the Railroad Commission of the State of Texas; etc."

H. B. No. 774, A bill to be entitled "An Act to permit Mrs. Otice Langham to sue the State of Texas."

H. B. No. 641, A bill to be entitled "An Act to prohibit the taking of fish in Kimble, Kerr, Edwards, Real, Sutton, Bandera, Mason, Menard, Blanco, Llano, Kendall, or Gillespie Counties with any device equipped with more than two hooks, except artificial bait used with a rod and reel and excepting a twenty-foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said counties; etc., and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act amending Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1930, Forty-first Legislature, Fourth Called Session, page 30, Chapter 20; as amended; etc., and declaring an emergency."

H. B. No. 699, A bill to be entitled "An Act to amend Article 928 of Chapter 1 of Title 12 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act relating to commercial vehicles, trucks, buses, or any vehicles which are designed or used for the purpose of lifting or towing wrecked cars, carrying flares so as to extend greater safety upon our highways showing the operation of same; providing a penalty therefor, and declaring an emergency." (With amendments.)

H. B. No. 657, A bill to be entitled "An Act amending Section 19 of House Bill No. 623, Chapter 180, Acts of Forty-third Legislature, Regular Session, and declaring an emergency."

H. B. No. 682, A bill to be entitled "An Act amending Article 7118 of the 1925 Revised Civil Statutes of the State of Texas, being Section 3 of Chapter 29, page 64, Acts of the Second Called Session of the Thirty-eighth Legislature of the State of Texas; etc."

H. B. No. 689, A bill to be entitled "An Act to repeal Article 9521-3 of the Penal Code of the State of Texas, the same being the Acts of the Forty-first Legislature, Second Called Session, Chapter 75, page 150, passed in 1929, and declaring an emergency."

H. B. No. 705, A bill to be entitled "An Act amending Article 3886 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, of the General Laws of the Regular Session of the Forty-third Legislature, by adding thereto a separate article to be known as Article 3886e; etc."

H. B. No. 711, A bill to be entitled "An Act exempting the State of Texas, any county in the State, any State department, or the head of any State department and corporations created, and/or to be created, by or under authority of any Act of Congress of the United States of America as a National relief organization from giving security for costs or the posting of bond or bonds in securing any extraordinary writs in any action brought in their official capacity in the courts of this State; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 812, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State in all counties having an area of not more than one thousand and seventy (1,070) square miles and not less than one thousand and sixty (1,060) square miles, and a population of not less than sixty thousand (60,000) and not more than sixty-one thousand (61,000), according to the last Federal Census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; etc., and declaring an emergency."

H. B. No. 817, A bill to be entitled "An Act providing for the acquisition of lands for State Forests by Board of Directors of A. & M. College; vest-

ing authority in such Board of Directors to so acquire lands for such purpose and prescribing means of acquisition and terms and manner of payment therefor, and the management, development, and use thereof; etc., and declaring an emergency."

H. B. No. 690, A bill to be entitled "An Act to provide a schedule of weights whereby the load weight of lumber being hauled by trucks on the highways of this State can be determined, and declaring an emergency."

H. B. No. 726, A bill to be entitled "An Act providing for the appointment of grand jury bailiffs in counties having a population in excess of three hundred and twenty-five thousand (325,000) inhabitants and less than three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding or any subsequent Federal Census; etc., and declaring an emergency."

H. B. No. 823, A bill to be entitled "An Act amending Article 7725, Revised Statutes of the State of Texas, of 1925, by adding thereto Section 7725-a; providing a method; etc."

H. B. No. 833, A bill to be entitled "An Act amending Article 2880, Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 845, A bill to be entitled "An Act to prohibit the sale or offering for sale, or the buying of any bass, crappie, perch or catfish, or any other fish taken from the fresh waters of Guadalupe County, and to prohibit the use of net or seine, except a net not exceeding ten feet in length for the purpose of catching minnows for bait, in said county, limiting the size and number of fish which may be taken from the waters of Guadalupe County; prescribing a penalty; repealing all laws in conflict with this Act, and declaring an emergency."

H. B. No. 906, A bill to be entitled "An Act authorizing F. J. Akin, J. F. Rochelle, and the Texarkana National Bank, a corporation, to sue the State of Texas to recover the amount due, or that may be found to be due, upon Comptroller's Deficiency Certificate No. 247, for the sum of \$264, issued to J. F. Akin, of date August 28, 1930, fixing the venue of such suit, providing for the issuance of service of process therein, and declaring an emergency." (Amended.)

H. B. No. 909, A bill to be entitled "An Act to prohibit the selling, taking or possession for barter or sale of wild fox or the pelt thereof; to prohibit the killing of wild fox; providing penalties; providing that the Act shall remain in effect for two years, and declaring an emergency."

H. B. No. 983, A bill to be entitled "An Act making it unlawful to transport minnows of any and all species outside of the counties where such minnows are caught, seined or taken; provided that this Act shall only apply to persons, firms or corporations transporting minnows caught, seined or taken from the waters of the Counties of McCulloch, San Saba, Gillespie, Llano, Kendall, Blanco, Lampasas and Mason; etc., and declaring an emergency."

H. B. No. 991, A bill to be entitled "An Act amending Sections 2, 3, 7, and 9 of Chapter 101 of the General and Special Laws of the First Called Session of the Forty-third Legislature, said chapter providing for the creating of a Fireman, Policemen and Fire Alarm Operators' Pension Fund in certain cities and towns having a paid fire, police and fire alarm operators' department, and creating a Board of Trustees for the same, and defining the duties and powers of the trustees thereof; etc., and declaring an emergency."

H. B. No. 885, A bill to be entitled "An Act authorizing Real County to issue certain warrants or other evidences of indebtedness and to declare the validity of certain indebtedness arising out of the construction of State Highway No. 41 in the County of Real; etc., and declaring an emergency."

H. B. No. 887, A bill to be entitled "An Act authorizing the county judge to employ a stenographer or clerk in any county having a population of less than twenty thousand inhabitants according to the last preceding Federal Census, and a property valuation in excess of fifty million dollars according to the approxed tax rolls for the preceding calendar year; etc., and declaring an emergency."

H. B. No. 893, A bill to be entitled "An Act to amend Chapter 1, Title 61, Revised Civil Statutes of 1925, providing for the appointment of deputy district clerks in any county having a population of more than one

hundred thirty-two thousand (132,000) and less than one hundred fifty thousand (150,000) inhabitants, as shown by the latest United States Census, and in which there are more than one district court, including a criminal district court, etc., and declaring an emergency."

H. B. No. 914, A bill to be entitled "An Act to create the San Jacinto River Conservation and Reclamation District under the authority of Section 59, of Article XVI, of the Constitution of Texas, and defining the powers and duties of the said district; providing for temporary directors and organization and operation of the district; and the authority and duties of said temporary directors, etc., and declaring an emergency." (Amended.)

H. B. No. 915, A bill to be entitled "An Act to prohibit the use of a seine or net for taking fish in Montgomery County except a seine or net of not less than three-inch square mesh during certain months, etc."

H. B. No. 925, A bill to be entitled "An Act amending Article 4631, Revised Civil Statutes of the State of Texas, 1925, relating to the residence of plaintiff in suits for divorce, and declaring an emergency."

H. B. No. 941, A bill to be entitled "An Act to safeguard the public in the purchase of high grade plant and nursery stock, true to name; further defining the duties of the State Seed and Plant Board; establishing a system of registration and certification for agricultural plants and nursery stock, etc., and declaring an emergency."

H. B. No. 1001, A bill to be entitled "An Act to amend Article 2789, Revised Civil Statutes of 1925, as amended by Chapter 32, Acts of the Regular Session of the Forty-third Legislature, by making provision that refunding bonds may be issued as term or as serial bonds, maturing in either case within forty (40) years from date of issue and may be made optional on any interest payment date as the governing board shall direct, and declaring an emergency."

H. B. No. 1003, A bill to be entitled "An Act permitting trustees of independent school districts in certain counties to issue time warrants for the purpose of taking up, refunding, and extending indebtedness incurred

for the legal maintenance of schools in said districts up to June 1, 1935; etc., and declaring an emergency."

H. B. No. 603, A bill to be entitled "An Act amending Article 2613, Revised Civil Statutes of Texas, and declaring an emergency."

The Senate has adopted

H. C. R. No. 55, Relative to the Texas-Oklahoma boundary.

H. C. R. No. 88, Granting Mrs. Mary M. Wise permission to sue the State.

The Senate has concurred in House amendments to Senate Bill No. 504 by the following vote: Yeas, 27; nays, 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

(Mr. Duvall in the Chair.)

HOUSE BILL NO. 990 WITH SENATE AMENDMENTS

Mr. Stevenson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 990, A bill to be entitled "An Act requiring a hunting license of all those over seventeen years of age hunting in certain counties; requiring a fishing license of all those over seventeen years of age fishing in certain counties; fixing the fees for said licenses and the fee to be retained by the collecting officer; etc., and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

Mr. Stevenson moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee: Messrs. Petsch, Fisher, Hoskins, McKee, and Payne.

HOUSE BILL NO. 601 WITH SENATE AMENDMENTS

Mr. Greathouse called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 601, A bill to be entitled "An Act making it unlawful for any person, firm, association, or corporation to pack for sale, sell, or offer for sale, wheat flour or other cereal flour, and corn meal only in standardized packages; providing for the size and net weight of said packages; providing for the net weight, name of manufacturer and the name of the place where milled to be printed on the outside of each package, and making it unlawful for wheat flour, other cereal flour and corn meal to be packed for sale, offered for sale, or sold within this State unless it shall be so labeled; etc., and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

Mr. Greathouse moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee: Messrs. Greathouse, Lange, Hanna, Dwyer, and Harris of Dallas.

TO SUSPEND CERTAIN JOINT RULES

Mr. Jones of Wise offered the following resolution:

H. C. R. No. 166, To suspend certain Joint Rules to consider House Bill No. 971.

Be it resolved by the House of Representatives, the Senate concurring, That Rules Nos. 22, 23, 24 and 32 of the Joint Rules of the House and Senate be, and the same are hereby, suspended, to permit consideration of House Bill No. 971 until final disposition, the same being a bill to grant to Federal agencies the right of eminent domain.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 10, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate

has refused to concur in House amendments to Senate Bill No. 435, and requests the appointment of a conference committee to adjust the differences between the two houses. The following have been appointed on the part of the Senate: Senators Woodruff, Sanderford, Davis, Holbrook, and Regan.

The Senate has passed

S. B. No. 265, A bill to be entitled "An Act defining the term 'transportation agent'; providing certain exceptions; regulating the business of transportation agents; prescribing the duties of the Railroad Commission with relation to transportation agents; providing for the issuance of licenses and the manner of such issuance; providing for bond of said applicant for license; providing for policy of liability insurance to be carried by said applicant for license; providing for fee and disposition thereof for said license; providing for term of said license and for the suspension or cancellation thereof and the method of same; providing for the keeping of records by such motor transportation agents; providing for inspection of said records by the Railroad Commission; fixing penalty for violation of this Act; etc."

S. B. No. 182, A bill to be entitled "An Act to amend Acts of 1903, Twenty-eighth Legislature, Regular Session, page 123, Chapter 45, Senate Bill No. 76, providing for the appointment of members of the State Board of Embalming, and declaring an emergency."

The Senate has adopted

S. C. R. No. 65, Suspending Joint Rules Nos. 22, 23, 24 and 32 until Senate Bill No. 395 is finally disposed of.

Respectfully,

BOB BARKER,
Secretary of the Senate.

TO SUSPEND CERTAIN JOINT RULES

Mr. Reader offered the following resolution:

H. C. R. No. 167, To suspend certain Joint Rules to consider House Bill No. 5.

Be it resolved by the House of Representatives, the Senate concurring,

That Joint Rules Nos. 11, 24, 23, 22 and 32 be suspended for the purpose of considering House Bill No. 5, until it is finally disposed of.

Signed—Reader, Bergman, Jones of Shelby, Holland, Lucas, Lotief, Cagle, Davisson of Eastland, Roark, James, Spears, Howard.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—86

| | |
|-------------------|-------------------|
| Alsup | Lange |
| Bergman | Lanning |
| Bourne | Latham |
| Bradford | Lemens |
| Broyles | Lotief |
| Butler of Brazos | Lucas |
| Butler of Karnes | Luker |
| Calvert | Mauritz |
| Celaya | McCalla |
| Collins | McConnell |
| Colson | McFarland |
| Cooper | McKee |
| Craddock | McKinney |
| Daniel | Morris |
| Davis | Morrison |
| Davisson | Newton |
| of Eastland | Nicholson |
| Dwyer | Olsen |
| Fain | Padgett |
| Farmer | Palmer |
| Fisher | Patterson |
| Ford | Payne |
| Fox | Petsch |
| Fuchs | Quinn |
| Gibson | Reader |
| Glass | Reed of Dallas |
| Graves | Riddle |
| Hankamer | Roach of Angelina |
| Hanna | Roane |
| Hardin | Roark |
| Harris of Dallas | Roberts |
| Herzik | Rutta |
| Hodges | Shofner |
| Hofheinz | Smith |
| Holland | Spears |
| Howard | Steward |
| Hunter | Stinson |
| Jackson | Tennyson |
| James | Tillery |
| Jones of Atascosa | Wells |
| Jones of Falls | Westfall |
| Jones of Shelby | Young |
| Jones of Wise | Youngblood |
| King | |

Nays—25

| | |
|-----------|----------|
| Adamson | Atchison |
| Aikin | Bradbury |
| Alexander | Caldwell |

| | |
|------------------|------------------|
| Canon | Reed of Bowie |
| Dunlap of Hays | Rogers |
| Frazer | Russell |
| Good | Settle |
| Harris of Archer | Stanfield |
| Hoskins | Stovall |
| Hyder | Tarwater |
| Jones of Runnels | Wood of Montague |
| Lindsey | Worley |
| Moffett | |

Absent

| | |
|-------------------|------------------|
| Adkins | Head |
| Ash | Hill |
| Beck | Huddleston |
| Burton | Jefferson |
| Cagle | Keefe |
| Clayton | Leath |
| Colquitt | Leonard |
| Cowley | Moore |
| Crossley | Morse |
| Dickison | Pope |
| Dunagan | Scarborough |
| Dunlap of Kleberg | Thornton |
| Duvall | Waggoner |
| England | Walker |
| Gray | Wood of Harrison |
| Greathouse | |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

HOUSE BILL NO. 1004 ON SECOND READING

(By Unanimous Consent)

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 1004, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employes of the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1004 ON THIRD READING

Mr. Leonard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1004

be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

| | |
|-------------------|-------------------|
| Adamson | James |
| Adkins | Jones of Falls |
| Aikin | Jones of Runnels |
| Alexander | Jones of Shelby |
| Alsup | Jones of Wise |
| Atchison | King |
| Beck | Lange |
| Bergman | Lanning |
| Bourne | Latham |
| Bradbury | Lemens |
| Bradford | Leonard |
| Broyles | Lindsey |
| Burton | Lotief |
| Butler of Brazos | Lucas |
| Butler of Karnes | Mauritz |
| Cagle | McCalla |
| Caldwell | McConnell |
| Calvert | McFarland |
| Canon | McKee |
| Celaya | McKinney |
| Collins | Moffett |
| Cooper | Morris |
| Cowley | Morrison |
| Craddock | Newton |
| Daniel | Padgett |
| Davis | Palmer |
| Davisson | Patterson |
| of Eastland | Payne |
| Dunagan | Petsch |
| Dunlap of Hays | Pope |
| Dunlap of Kleberg | Quinn |
| Fain | Reed of Bowie |
| Farmer | Reed of Dallas |
| Fisher | Riddle |
| Ford | Roach of Angelina |
| Fox | Roark |
| Frazer | Roberts |
| Gibson | Rogers |
| Glass | Russell |
| Good | Rutta |
| Graves | Settle |
| Greathouse | Shofner |
| Hankamer | Smith |
| Hanna | Spears |
| Hardin | Steward |
| Harris of Archer | Stinson |
| Harris of Dallas | Tarwater |
| Herzik | Thornton |
| Hodges | Waggoner |
| Holland | Wells |
| Hoskins | Westfall |
| Howard | Wood of Harrison |
| Huddleston | Wood of Montague |
| Hunter | Worley |
| Hyder | Young |
| Jackson | Youngblood |

Present—Not Voting

Stovall

Absent

| | |
|-----------|-------------------|
| Ash | Jones of Atascosa |
| Clayton | Keefe |
| Colquitt | Leath |
| Colson | Luker |
| Crossley | Moore |
| Dickison | Morse |
| Duvall | Nicholson |
| Dwyer | Olsen |
| England | Reader |
| Fuchs | Roane |
| Gray | Scarborough |
| Head | Stanfield |
| Hill | Tennyson |
| Hofheinz | Tillery |
| Jefferson | Walker |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

The Chair then laid House Bill No. 1004 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

| | |
|-------------------|------------------|
| Adkins | Glass |
| Aikin | Good |
| Alexander | Graves |
| Alsup | Hankamer |
| Ash | Hanna |
| Atchison | Hardin |
| Beck | Harris of Archer |
| Bergman | Harris of Dallas |
| Bourne | Herzik |
| Bradbury | Hodges |
| Bradford | Hofheinz |
| Broyles | Holland |
| Burton | Hoskins |
| Butler of Brazos | Howard |
| Butler of Karnes | Huddleston |
| Caldwell | Hunter |
| Calvert | Hyder |
| Canon | Jackson |
| Collins | James |
| Colson | Jefferson |
| Cooper | Jones of Falls |
| Craddock | Jones of Runnels |
| Daniel | Jones of Shelby |
| Davisson | Jones of Wise |
| of Eastland | King |
| Dunlap of Hays | Lange |
| Dunlap of Kleberg | Lanning |
| Fain | Latham |
| Farmer | Lemens |
| Fisher | Leonard |
| Ford | Lindsey |
| Frazer | Lucas |
| Fuchs | Mauritz |
| Gibson | McCalla |

| | |
|-------------------|------------------|
| McConnell | Roark |
| McFarland | Roberts |
| McKee | Rogers |
| McKinney | Russell |
| Moffett | Rutta |
| Morris | Settle |
| Morrison | Shofner |
| Newton | Smith |
| Nicholson | Steward |
| Olsen | Stinson |
| Padgett | Stovall |
| Palmer | Tennyson |
| Patterson | Thornton |
| Payne | Walker |
| Petsch | Wells |
| Quinn | Westfall |
| Reader | Wood of Harrison |
| Reed of Bowie | Wood of Montague |
| Reed of Dallas | Worley |
| Riddle | Youngblood |
| Roach of Angelina | |

Absent

| | |
|------------|-------------------|
| Adamson | Hill |
| Cagle | Jones of Atascosa |
| Celaya | Keefe |
| Clayton | Leath |
| Colquitt | Lotief |
| Cowley | Luker |
| Crossley | Moore |
| Davis | Morse |
| Dickison | Pope |
| Dunagan | Roane |
| Duvall | Scarborough |
| Dwyer | Spears |
| England | Stanfield |
| Fox | Tarwater |
| Gray | Tillery |
| Greathouse | Waggoner |
| Head | Young |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

HOUSE BILL NO. 999 ON SECOND
READING

(By Unanimous Consent)

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 999, A bill to be entitled "An Act validating \$450,000 improvement bonds and \$794,500 refunding bonds of Hidalgo County Water Control and Improvement District No. 7, Hidalgo County, Texas, and proceedings had in connection therewith; validating proceedings authorizing the cancellation of \$1,600,000 bonds of said district; providing for the pay-

ment of said bonds; etc., and declaring an emergency."

The bill was read second time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 999 was then passed to engrossment.

HOUSE BILL NO. 999 ON THIRD
READING

Mr. Leonard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 999 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—113

| | |
|------------------|------------------|
| Adkins | Harris of Dallas |
| Aikin | Herzik |
| Alexander | Hodges |
| Alsup | Hofheinz |
| Atchison | Holland |
| Beck | Hoskins |
| Bergman | Howard |
| Bourne | Huddleston |
| Bradbury | Hunter |
| Bradford | Hyder |
| Broyles | Jackson |
| Burton | James |
| Butler of Brazos | Jefferson |
| Butler of Karnes | Jones of Falls |
| Cagle | Jones of Runnels |
| Caldwell | Jones of Shelby |
| Calvert | Jones of Wise |
| Canon | King |
| Celaya | Lanning |
| Collins | Latham |
| Colquitt | Lemens |
| Colson | Leonard |
| Cooper | Lindsey |
| Cowley | Lotief |
| Daniel | Lucas |
| Davis | Luker |
| Davisson | Mauritz |
| of Eastland | McCalla |
| Dunlap of Hays | McConnell |
| Fain | McFarland |
| Farmer | McKee |
| Fisher | McKinney |
| Frazer | Moffett |
| Fuchs | Morris |
| Gibson | Morrison |
| Glass | Newton |
| Good | Nicholson |
| Graves | Olsen |
| Hankamer | Padgett |
| Hanna | Palmer |
| Hardin | Patterson |
| Harris of Archer | Pope |

| | |
|-------------------|------------------|
| Quinn | Stanfield |
| Reader | Steward |
| Reed of Bowie | Stinson |
| Reed of Dallas | Stovall |
| Riddle | Tarwater |
| Roach of Angelina | Tennyson |
| Roark | Thornton |
| Roberts | Walker |
| Rogers | Wells |
| Russell | Westfall |
| Rutta | Wood of Harrison |
| Settle | Wood of Montague |
| Shofner | Worley |
| Smith | Young |
| Spears | Youngblood |

Absent

| | |
|-------------------|-------------------|
| Adamson | Head |
| Ash | Hill |
| Clayton | Jones of Atascosa |
| Craddock | Keefe |
| Crossley | Lange |
| Dickison | Leath |
| Dunagan | Moore |
| Dunlap of Kleberg | Morse |
| Duvall | Payne |
| Dwyer | Petsch |
| England | Roane |
| Ford | Scarborough |
| Fox | Tillery |
| Gray | Waggoner |
| Greathouse | |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

The Chair then laid House Bill No. 999 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

| | |
|------------------|----------------|
| Adkins | Cooper |
| Aikin | Cowley |
| Alexander | Daniel |
| Beck | Davis |
| Bergman | Davisson |
| Bourne | of Eastland |
| Bradbury | Dunagan |
| Bradford | Dunlap of Hays |
| Broyles | Fain |
| Burton | Farmer |
| Butler of Karnes | Fisher |
| Cagle | Ford |
| Caldwell | Fuchs |
| Calvert | Gibson |
| Canon | Glass |
| Celaya | Good |
| Collins | Graves |
| Colquitt | Hanna |
| Colson | Hardin |

| | |
|------------------|-------------------|
| Harris of Archer | Olsen |
| Harris of Dallas | Padgett |
| Herzik | Palmer |
| Hodges | Patterson |
| Hofheinz | Payne |
| Hoskins | Pope |
| Howard | Quinn |
| Huddleston | Reed of Bowie |
| Hunter | Reed of Dallas |
| Hyder | Riddle |
| Jackson | Roach of Angelina |
| James | Roark |
| Jefferson | Roberts |
| Jones of Falls | Rogers |
| Jones of Runnels | Russell |
| Jones of Shelby | Rutta |
| King | Settle |
| Lanning | Shofner |
| Latham | Smith |
| Lemens | Spears |
| Leonard | Stanfield |
| Lindsey | Steward |
| Lotief | Stinson |
| Lucas | Stovall |
| Mauritz | Tarwater |
| McCalla | Thornton |
| McConnell | Waggoner |
| McFarland | Wells |
| McKee | Westfall |
| McKinney | Wood of Harrison |
| Moffett | Wood of Montague |
| Morris | Worley |
| Newton | Young |
| Nicholson | Youngblood |

Absent

| | |
|-------------------|-------------------|
| Adamson | Hill |
| Alsup | Holland |
| Ash | Jones of Atascosa |
| Atchison | Jones of Wise |
| Butler of Brazos | Keefe |
| Clayton | Lange |
| Craddock | Leath |
| Crossley | Luker |
| Dickison | Moore |
| Dunlap of Kleberg | Morrison |
| Duvall | Morse |
| Dwyer | Petsch |
| England | Reader |
| Fox | Roane |
| Frazer | Scarborough |
| Gray | Tennyson |
| Greathouse | Tillery |
| Hankamer | Walker |
| Head | |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

GRANTING PERMISSION TO SUE
THE STATE

The Chair laid before the House, for consideration at this time,

S. C. R. No. 57, Granting Herbert McLennan permission to bring suit against the State of Texas;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

TO SUSPEND CERTAIN JOINT RULES

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 65, To suspend certain Joint Rules to consider Senate Bill No. 395.

Be it resolved by the Senate, the House of Representatives concurring, That Joint Rules Nos. 22, 23, 24, and 32 be, and they are hereby, suspended for the purpose of considering Senate Bill No. 395, relating to bond issue on certain road district, until said bill is finally disposed of.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 796 WITH SENATE AMENDMENTS

Mr. Roach of Angelina called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 796, A bill to be entitled "An Act relating to commercial vehicles, trucks, buses, or any vehicles which are designed or used for the purpose of lifting or towing wrecked cars, carrying flares so as to extend greater safety upon our highways showing the operation of same, providing a penalty therefor, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Roach of Angelina, the House concurred in the Senate amendments by the following vote:

Yeas—107

| | |
|-----------|----------|
| Adamson | Atchison |
| Adkins | Beck |
| Aikin | Bergman |
| Alexander | Bourne |
| Alsup | Bradford |
| Ash | Broyles |

| | |
|-------------------|-------------------|
| Burton | Latham |
| Butler of Brazos | Lemens |
| Butler of Karnes | Lotief |
| Cagle | Lucas |
| Caldwell | Mauritz |
| Calvert | McCalla |
| Canon | McConnell |
| Celaya | McFarland |
| Collins | McKee |
| Colson | McKinney |
| Cowley | Moffett |
| Daniel | Morris |
| Davis | Morse |
| Davisson | Newton |
| of Eastland | Nicholson |
| Dunlap of Hays | Padgett |
| Duwall | Palmer |
| Dwyer | Patterson |
| England | Payne |
| Fain | Pope |
| Farmer | Quinn |
| Fisher | Reed of Bowie |
| Fox | Reed of Dallas |
| Frazer | Riddle |
| Fuchs | Roach of Angelina |
| Gibson | Roane |
| Glass | Roark |
| Hankamer | Roberts |
| Hanna | Rogers |
| Harris of Archer | Rutta |
| Harris of Dallas | Settle |
| Head | Shofner |
| Herzik | Smith |
| Hodges | Spears |
| Hofheinz | Stanfield |
| Hoskins | Stinson |
| Howard | Stovall |
| Hunter | Tarwater |
| Jackson | Tennyson |
| James | Thornton |
| Jefferson | Waggoner |
| Jones of Atascosa | Walker |
| Jones of Falls | Wells |
| Jones of Runnels | Westfall |
| Jones of Shelby | Wood of Harrison |
| Jones of Wise | Wood of Montague |
| King | Worley |
| Lange | Young |
| Lanning | |

Present—Not Voting

| | |
|----------|-------|
| Bradbury | Luker |
| Hardin | |

Absent

| | |
|-------------------|------------|
| Clayton | Greathouse |
| Colquitt | Hill |
| Cooper | Holland |
| Craddock | Huddleston |
| Crossley | Hyder |
| Dickison | Keefe |
| Dunagan | Leath |
| Dunlap of Kleberg | Leonard |
| Ford | Lindsey |
| Good | Moore |
| Graves | Morrison |
| Gray | Olsen |

Petsch
Reader
Russell
Scarborough

Steward
Tillery
Youngblood

Absent—Excused

Davison of Fisher
Fitzwater
Hartzog
Hunt

Knetsch
Roach of Hunt
Venable

REQUEST OF SENATE GRANTED

On motion of Mr. Spears, the House granted the request of the Senate for a conference committee on Senate Bill No. 435.

In accordance with the above action, the Speaker announced the appointment of the following conference committee: Messrs. Reader, Lanning, Jones of Wise, England, and Rutta.

HOUSE BILL NO. 60 WITH SENATE AMENDMENTS

Mr. McKee called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 60, A bill to be entitled "An Act amending Section 3 of House Bill No. 81, Chapter 29, Acts of the First Called Session, Forty-third Legislature, and House Bill No. 31 of the Third Called Session of the Forty-third Legislature; providing for commercial fisherman's license, wholesale fish dealers' license, retail fish dealers' license, in towns of certain population, retail oyster dealers' license, retail dealers' truck license, bait dealers' license, shrimp trawl license, shrimp trawl license permitting use of a 'try net,' seine or net license, fish boat license, skiff license, oyster dredge license, and fish guide license and the fees and requirements for all of same; etc."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. McKee, the House concurred in the Senate amendments by the following vote:

Yeas—93

Adamson
Adkins
Alexander
Alsup
Ash
Atchison
Beck

Bradford
Burton
Butler of Brazos
Butler of Karnes
Cagle
Caldwell
Calvert

Canon
Celaya
Collins
Colquitt
Colson
Cowley
Crossley
Daniel
Davisson
of Eastland
Dunagan
Dunlap of Hays
Dunlap of Kleberg
Dwyer
England
Fain
Farmer
Fisher
Ford
Frazer
Fuchs
Gibson
Glass
Graves
Gray
Hanna
Hardin
Head
Herzik
Hill
Hodges
Hofheinz
Holland
Hoskins
Howard
Huddleston
Hunter
Jackson
James
Jefferson

Jones of Atascosa
Jones of Falls
Jones of Shelby
Jones of Wise
Knetsch
Lange
Latham
Lemens
Leonard
Lotief
Lucas
McCalla
McKee
Moffett
Newton
Nicholson
Olsen
Palmer
Patterson
Payne
Pope
Reed of Dallas
Riddle
Roach of Angelina
Roark
Roberts
Rogers
Settle
Smith
Spears
Stanfield
Steward
Tarwater
Thornton
Waggoner
Walker
Wells
Westfall
Wood of Montague
Young

Nays—20

Aikin
Bergman
Bourne
Bradbury
Broyles
Harris of Archer
Lanning
Lindsey
McConnell
Morris

Morrison
Quinn
Reed of Bowie
Russell
Rutta
Shofner
Stovall
Tillery
Wood of Harrison
Worley

Present—Not Voting

Mauritz

Absent

Clayton
Cooper
Craddock
Davis
Dickison
Duvall
Fox
Good
Greathouse

Hankamer
Harris of Dallas
Hyder
Jones of Runnels
Keefe
King
Leath
Luker
McFarland

| | |
|----------|-------------|
| McKinney | Roane |
| Moore | Scarborough |
| Morse | Stinson |
| Padgett | Tennyson |
| Petsch | Youngblood |
| Reader | |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Hunt |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |

HOUSE BILL NO. 372 WITH SENATE AMENDMENTS

Mr. Butler of Brazos called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 372, A bill to be entitled "An Act to amend Article 4875a-21, Revised Civil Statutes of 1928, to provide for an adequate and efficient method of examining local mutual aid associations organized and operating under Chapter 9-a of the Revised Civil Statutes of 1925, and providing for an examination of said associations every two years or oftener, if deemed advisable, and giving the examiners appointed access to all books, accounts, and records of such association, and providing for the amount to be paid and assessed against each such association or company as compensation for the examiners and auditors for such work, and providing for the expenses incurred in connection therewith, and for a pro rata proportion of the salaries of the actuary, examination clerks, stenographers, and other employes employed in the Insurance Department in connection with said examination work, the same to be collected upon the bill presented by the Insurance Department and deposited in the State Treasury for the payment of the employes and examiners and the maintenance of the examination division, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Butler of Brazos, the House concurred in the Senate amendments.

HOUSE BILL NO. 373 WITH SENATE AMENDMENTS

Mr. Morse called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 373, A bill to be entitled "An Act to amend Section 6 of House Bill No. 303, Chapter 245, page 856, of the Acts of the Regular Session of the Forty-third Legislature, to provide for an adequate and efficient method of examining State-wide mutual assessment insurance associations and companies qualifying and/or operating under the above chapter, and providing for the examination of said companies and associations every two years or oftener, if deemed advisable, etc., and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Morse, the House concurred in the Senate amendments by the following vote:

Yeas—97

| | |
|------------------|-------------------|
| Adamson | Hoskins |
| Adkins | Howard |
| Alexander | Hunter |
| Alsup | Hyder |
| Ash | Jackson |
| Atchison | James |
| Beck | Jefferson |
| Bergman | Jones of Atascosa |
| Bourne | Jones of Falls |
| Bradbury | Jones of Shelby |
| Bradford | Jones of Wise |
| Butler of Karnes | Knetsch |
| Calvert | Latham |
| Canon | Lemens |
| Collins | Leonard |
| Colson | Lotief |
| Cowley | Lucas |
| Crossley | Luker |
| Daniel | Mauritz |
| Davis | McCalla |
| Davisson | McFarland |
| of Eastland | McKee |
| Dunlap of Hays | McKinney |
| Duvall | Moffett |
| Dwyer | Moore |
| Fain | Morris |
| Farmer | Morrison |
| Fisher | Morse |
| Ford | Newton |
| Fox | Nicholson |
| Frazer | Olsen |
| Fuchs | Padgett |
| Gibson | Palmer |
| Glass | Patterson |
| Good | Pope |
| Graves | Quinn |
| Hanna | Reed of Dallas |
| Harris of Dallas | Riddle |
| Head | Roach of Angelina |
| Herzik | Roark |
| Hill | Roberts |
| Hodges | Russell |
| Hofheinz | Rutta |
| Holland | Settle |

Smith
Stanfield
Tarwater
Tillery
Waggoner

Wells
Westfall
Wood of Harrison
Wood of Montague
Young

Nays—14

Aikin
Broyles
Cagle
Colquitt
Hardin
Harris of Archer
Lindsey

McConnell
Reed of Bowie
Shofner
Stovall
Tennyson
Walker
Worley

Absent

Burton
Butler of Brazos
Caldwell
Celaya
Clayton
Cooper
Craddock
Dickison
Dunagan
Dunlap of Kleberg
England
Gray
Greathouse
Hankamer
Huddleston
Jones of Runnels

Keefe
King
Lange
Lanning
Leath
Payne
Petsch
Reader
Roane
Rogers
Scarborough
Spears
Steward
Stinson
Thornton
Youngblood

Absent—Excused

Davison of Fisher
Fitzwater
Hartzog

Hunt
Roach of Hunt
Venable

HOUSE BILL NO. 49 WITH SEN-
ATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 49, A bill to be entitled "An Act to amend Article 2956, Revised Civil Statutes of 1925, as amended by the Regular Session of the Forty-second Legislature, and as amended by the Regular Session of the Forty-third Legislature, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Leonard, the House concurred in the Senate amendments by the following vote:

Yeas—106

Adamson
Aikin
Alexander
Alsup

Ash
Atchison
Beck
Bourne

Bradbury
Bradford
Broyles
Butler of Karnes
Cagle
Canon
Celaya
Collins
Colquitt
Colson
Cooper
Cowley
Crossley
Daniel
Davis
Davisson
of Eastland
Dunlap of Hays
Fain
Farmer
Fisher
Ford
Fox
Frazer
Fuchs
Gibson
Glass
Good
Graves
Hankamer
Hanna
Hardin
Harris of Archer
Harris of Dallas
Head
Hill
Hodges
Hofheinz
Holland
Hoskins
Howard
Hunter
Hyder
Jackson
James
Jefferson
Jones of Falls
Jones of Shelby
Jones of Wise
Lanning

Latham
Lemens
Leonard
Lotief
Lucas
Luker
Mauritz
McCalla
McConnell
McFarland
McKee
McKinney
Moffett
Moore
Morris
Morrison
Morse
Newton
Nicholson
Padgett
Palmer
Patterson
Payne
Pope
Reed of Bowie
Reed of Dallas
Riddle
Roach of Angelina
Roark
Roberts
Russell
Rutta
Settle
Shofner
Smith
Stanfield
Steward
Stinson
Stovall
Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Young

Nays—2

Lindsey

Worley

Absent

Adkins
Bergman
Burton
Butler of Brazos
Caldwell
Calvert
Clayton
Craddock
Dickison
Dunagan
Dunlap of Kleberg
Duvall

Dwyer
England
Gray
Greathouse
Herzik
Huddleston
Jones of Atascosa
Jones of Runnels
Keefe
King
Lange
Leath

| | |
|-------------------|---------------|
| Olsen | Rogers |
| Petsch | Scarborough |
| Quinn | Spears |
| Reader | Tarwater |
| Roane | Youngblood |
| Absent—Excused | |
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

HOUSE BILL NO. 896 WITH SEN- ATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 896, A bill to be entitled "An Act authorizing depositories of public funds, now authorized by law to pledge securities in lieu of personal or surety depository bonds, to pledge Home Owners' Loan Corporation bonds as such security; providing this Act shall be cumulative and in addition to all existing laws relating to depository bonds, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Leonard, the House concurred in the Senate amendments by the following vote:

Yeas—108

| | |
|------------------|------------------|
| Adamson | Farmer |
| Aikin | Fisher |
| Alexander | Ford |
| Alsup | Fox |
| Ash | Frazer |
| Atchison | Fuchs |
| Beck | Gibson |
| Bourne | Glass |
| Bradbury | Good |
| Bradford | Graves |
| Broyles | Greathouse |
| Butler of Brazos | Hankamer |
| Butler of Karnes | Hanna |
| Canon | Hardin |
| Celaya | Harris of Archer |
| Collins | Harris of Dallas |
| Colquitt | Head |
| Cooper | Hill |
| Cowley | Hodges |
| Crossley | Holland |
| Daniel | Hoskins |
| Davis | Howard |
| Davisson | Huddleston |
| of Eastland | Hunter |
| Dunagan | Hyder |
| Dunlap of Hays | Jackson |
| Dwyer | James |
| Fain | Jefferson |

| | |
|-----------------|-------------------|
| Jones of Falls | Reed of Dallas |
| Jones of Shelby | Riddle |
| Jones of Wise | Roach of Angelina |
| Lanning | Roane |
| Latham | Roark |
| Lemens | Roberts |
| Leonard | Russell |
| Lotief | Rutta |
| Lucas | Settle |
| Mauritz | Smith |
| McCalla | Spears |
| McConnell | Stanfield |
| McFarland | Stinson |
| McKee | Stovall |
| McKinney | Tarwater |
| Moffett | Thornton |
| Moore | Tillery |
| Morris | Waggoner |
| Morrison | Walker |
| Morse | Wells |
| Newton | Westfall |
| Nicholson | Wood of Harrison |
| Palmer | Wood of Montague |
| Patterson | Worley |
| Payne | Young |
| Pope | Youngblood |
| Reed of Bowie | |

Nays—1

Lindsey

Present—Not Voting

Shofner

Absent

| | |
|-------------------|-------------------|
| Adkins | Jones of Atascosa |
| Bergman | Jones of Runnels |
| Burton | Keefe |
| Cagle | King |
| Caldwell | Lange |
| Calvert | Leath |
| Clayton | Luker |
| Colson | Olsen |
| Craddock | Padgett |
| Dickison | Petach |
| Dunlap of Kleberg | Quinn |
| Duvall | Reader |
| England | Rogers |
| Gray | Scarborough |
| Herzik | Steward |
| Hofheinz | Tennyson |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

HOUSE BILL NO. 169 WITH SEN- ATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 169, A bill to be entitled "An Act increasing the amount that

may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than seventy-seven thousand, and not more than seventy-seven thousand six hundred, according to the preceding Federal Census; repealing all laws or parts of laws, general or special, in conflict therewith, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Leonard, the House concurred in the Senate amendments by the following vote:

Yeas—105

| | |
|------------------|-------------------|
| Adamson | Hodges |
| Adkins | Holland |
| Aikin | Hoskins |
| Alexander | Howard |
| Alsup | Huddleston |
| Ash | Hunter |
| Atchison | Hyder |
| Beck | Jackson |
| Bourne | James |
| Bradbury | Jefferson |
| Bradford | Jones of Falls |
| Broyles | Jones of Shelby |
| Butler of Brazos | Lanning |
| Butler of Karnes | Latham |
| Cagle | Leath |
| Canon | Lemens |
| Collins | Leonard |
| Colquitt | Lotief |
| Cooper | Lucas |
| Cowley | Luker |
| Crossley | Mauritz |
| Daniel | McCalla |
| Davisson | McConnell |
| of Eastland | McKee |
| Dunagan | McKinney |
| Dunlap of Hays | Moffett |
| Dwyer | Moore |
| England | Morris |
| Fain | Morrison |
| Farmer | Morse |
| Fisher | Newton |
| Ford | Palmer |
| Fox | Patterson |
| Frazer | Pope |
| Fuchs | Quinn |
| Gibson | Reed of Bowie |
| Glass | Reed of Dallas |
| Good | Riddle |
| Greathouse | Roach of Angelina |
| Hankamer | Roark |
| Hanna | Roberts |
| Hardin | Russell |
| Harris of Archer | Rutta |
| Harris of Dallas | Settle |
| Head | Smith |
| Hill | Spears |

| | |
|-----------|------------------|
| Stanfield | Wells |
| Steward | Westfall |
| Stinson | Wood of Harrison |
| Stovall | Wood of Montague |
| Tarwater | Worley |
| Thornton | Young |
| Tillery | Youngblood |
| Walker | |

Nays—1

Lindsey

Present—Not Voting

Shofner

Tennyson

Absent

| | |
|-------------------|------------------|
| Bergman | Jones of Runnels |
| Burton | Jones of Wise |
| Caldwell | Keefe |
| Calvert | King |
| Celaya | Lange |
| Clayton | McFarland |
| Colson | Nicholson |
| Craddock | Olsen |
| Davis | Padgett |
| Dickison | Payne |
| Dunlap of Kleberg | Petsch |
| Duvall | Reader |
| Graves | Roane |
| Gray | Rogers |
| Herzik | Scarborough |
| Hofheinz | Waggoner |
| Jones of Atascosa | |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

HOUSE BILL NO. 68 WITH SENATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 68, A bill to be entitled "An Act authorizing counties, municipalities, political subdivisions and taxing districts to sell to the Reconstruction Finance Corporation, or any other governmental agency, at less than par, and/or to compromise or adjust bonds held by it by selling and/or exchanging the same to the Reconstruction Finance Corporation, or any other governmental agency, at an agreed price which may be less than par, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Leonard, the House concurred in the Senate amendments by the following vote:

Yeas—109

| | |
|------------------|-------------------|
| Adamson | Jones of Runnels |
| Aikin | Jones of Wise |
| Alexander | Lanning |
| Alsup | Latham |
| Ash | Leath |
| Atchison | Lemens |
| Beck | Leonard |
| Bourne | Lotief |
| Bradbury | Lucas |
| Bradford | Luker |
| Broyles | Mauritz |
| Burton | McCalla |
| Butler of Brazos | McConnell |
| Butler of Karnes | McFarland |
| Cagle | McKee |
| Canon | McKinney |
| Collins | Moffett |
| Colquitt | Moore |
| Colson | Morris |
| Cooper | Morrison |
| Cowley | Newton |
| Crossley | Nicholson |
| Daniel | Palmer |
| Davisson | Patterson |
| of Eastland | Payne |
| Dunagan | Pope |
| Dunlap of Hays | Quinn |
| Dwyer | Reed of Bowie |
| England | Reed of Dallas |
| Fain | Riddle |
| Farmer | Roach of Angelina |
| Fisher | Roark |
| Ford | Roberts |
| Fox | Russell |
| Frazer | Rutta |
| Fuchs | Settle |
| Gibson | Shofner |
| Glass | Smith |
| Good | Spears |
| Graves | Stanfield |
| Greathouse | Steward |
| Hankamer | Stinson |
| Hanna | Stovall |
| Hardin | Tennyson |
| Harris of Archer | Thornton |
| Head | Tillery |
| Hodges | Waggoner |
| Holland | Walker |
| Hoskins | Wells |
| Howard | Westfall |
| Huddleston | Wood of Harrison |
| Hyder | Wood of Montague |
| Jackson | Worley |
| James | Young |
| Jefferson | Youngblood |
| Jones of Falls | |

Nays—1

Lindsey

Absent

| | |
|---------|----------|
| Adkins | Caldwell |
| Bergman | Calvert |

| | |
|-------------------|-----------------|
| Celaya | Jones of Shelby |
| Clayton | Keefe |
| Craddock | King |
| Davis | Lange |
| Dickison | Morse |
| Dunlap of Kleberg | Olsen |
| Duvall | Padgett |
| Gray | Petsch |
| Harris of Dallas | Reader |
| Herzik | Roane |
| Hill | Rogers |
| Hofheinz | Scarborough |
| Hunter | Tarwater |
| Jones of Atascosa | |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 89, A bill to be entitled "An Act to amend Sections 1, 6 and 8 of House Bill No. 154, Chapter 162, Acts of Regular Session, Forty-third Legislature, 1933." (With amendments.)

The Senate has adopted

H. C. R. No. 161, Instructing the Enrolling Clerk of the House to make certain corrections to House Bill No. 959.

S. C. R. No. 66, Suspending Joint Rule No. 11 and all other rules with reference to consideration and passage of certain bills by Mr. McCalla, as follows: House Bills Nos. 301, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 643, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 296, 297, 298, 299, 300, and 543.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 988 ON SECOND READING

(By Unanimous Consent)

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 988, A bill to be entitled "An Act to prohibit the use of a seine or net for taking fish in Hamilton County, except a seine or net of not less than three-inch square mesh, during certain months; etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 988 ON THIRD READING

Mr. Huddleston moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 988 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

| | |
|------------------|------------------|
| Adamson | Hardin |
| Adkins | Harris of Archer |
| Aikin | Harris of Dallas |
| Alsup | Head |
| Ash | Hill |
| Atchison | Hodges |
| Beck | Hofheinz |
| Bourne | Holland |
| Bradbury | Hoskins |
| Bradford | Howard |
| Broyles | Huddleston |
| Burton | Hyder |
| Butler of Brazos | Jackson |
| Butler of Karnes | James |
| Cagle | Jefferson |
| Caldwell | Jones of Falls |
| Canon | Jones of Shelby |
| Collins | Jones of Wise |
| Colquitt | King |
| Colson | Lanning |
| Cooper | Latham |
| Cowley | Lemens |
| Crossley | Lindsey |
| Daniel | Lotief |
| Davisson | Lucas |
| of Eastland | Mauritz |
| Dunagan | McCalla |
| Dunlap of Hays | McConnell |
| Duvall | McFarland |
| Dwyer | McKee |
| Fain | McKinney |
| Farmer | Moffett |
| Fisher | Morris |
| Ford | Morrison |
| Fox | Newton |
| Frazer | Nicholson |
| Fuchs | Palmer |
| Gibson | Patterson |
| Glass | Payne |
| Good | Pope |
| Greathouse | Reed of Bowie |
| Hanna | Reed of Dallas |

| | |
|-------------------|------------------|
| Riddle | Stovall |
| Roach of Angelina | Tennyson |
| Roane | Thornton |
| Roark | Tillery |
| Roberts | Waggoner |
| Russell | Walker |
| Rutta | Wells |
| Settle | Westfall |
| Shofner | Wood of Harrison |
| Smith | Wood of Montague |
| Stanfield | Worley |
| Steward | Young |
| Stinson | Youngblood |

Absent

| | |
|-------------------|-------------|
| Alexander | Keefe |
| Bergman | Lange |
| Calvert | Leath |
| Celaya | Leonard |
| Clayton | Luker |
| Craddock | Moore |
| Davis | Morse |
| Dickison | Olsen |
| Dunlap of Kleberg | Padgett |
| England | Petsch |
| Graves | Quinn |
| Gray | Reader |
| Hankamer | Rogers |
| Herzik | Scarborough |
| Hunter | Spears |
| Jones of Atascosa | Tarwater |
| Jones of Runnels | |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

The Chair then laid House Bill No. 988 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—109

| | |
|------------------|----------------|
| Adamson | Collins |
| Adkins | Colquitt |
| Aikin | Colson |
| Alsup | Cooper |
| Ash | Cowley |
| Atchison | Crossley |
| Beck | Daniel |
| Bourne | Davis |
| Bradbury | Davisson |
| Bradford | of Eastland |
| Broyles | Dunlap of Hays |
| Burton | Dwyer |
| Butler of Brazos | Fain |
| Butler of Karnes | Farmer |
| Cagle | Fisher |
| Caldwell | Ford |
| Calvert | Fox |
| Canon | Frazer |
| Celaya | Fuchs |

| | |
|------------------|-------------------|
| Gibson | Moffett |
| Glass | Morris |
| Good | Morrison |
| Graves | Morse |
| Greathouse | Newton |
| Hankamer | Nicholson |
| Hanna | Palmer |
| Hardin | Patterson |
| Harris of Archer | Reed of Bowie |
| Harris of Dallas | Reed of Dallas |
| Head | Riddle |
| Hill | Roach of Angelina |
| Hodges | Roane |
| Hofheinz | Roark |
| Holland | Roberts |
| Hoskins | Rogers |
| Howard | Russell |
| Huddleston | Rutta |
| Hunter | Settle |
| Hyder | Shofner |
| Jackson | Smith |
| James | Stanfield |
| Jefferson | Steward |
| Jones of Falls | Stinson |
| Jones of Shelby | Stovall |
| Jones of Wise | Tennyson |
| King | Thornton |
| Lanning | Tillery |
| Latham | Waggoner |
| Leath | Walker |
| Lucas | Wells |
| Luker | Westfall |
| Mauritz | Wood of Harrison |
| McCalla | Wood of Montague |
| McConnell | Worley |
| McFarland | Youngblood |
| McKinney | |

Absent

| | |
|-------------------|-------------|
| Alexander | Leonard |
| Bergman | Lindsey |
| Clayton | Lotief |
| Craddock | McKee |
| Dickison | Moore |
| Dunagan | Olsen |
| Dunlap of Kleberg | Padgett |
| Duvall | Payne |
| England | Petsch |
| Gray | Pope |
| Herzik | Quinn |
| Jones of Atascosa | Reader |
| Jones of Runnels | Scarborough |
| Keefe | Spears |
| Lange | Tarwater |
| Lemens | Young |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

TO SUSPEND CERTAIN JOINT
RULES

Mr. Howard offered the following resolution:

H. C. R. No. 168, To suspend certain Joint Rules to consider House Bill No. 176.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules Nos. 11, 22, 23, 24, and 32 be suspended for the purpose of considering House Bill No. 176 until finally disposed of.

The resolution was read second time, and was adopted.

SENATE BILL NO. 328 ON SECOND
READING

On motion of Mr. McKinney, the Seventy-two Hour House Rule and the Forty-eight Hour House Rule were suspended for the purpose of taking up and considering at this time Senate Bill No. 328.

The Chair then laid before the House, on its second reading and passage to third reading,

S. B. No. 328, A bill to be entitled "An Act amending Section 19 of House Bill No. 122, Chapter 116, Acts of the Regular Session, Forty-third Legislature, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 328 ON THIRD
READING

Mr. McKinney moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 328 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

| | |
|------------------|-------------------|
| Ash | Cowley |
| Atchison | Crossley |
| Beck | Daniel |
| Bergman | Davis |
| Bourne | Davisson |
| Bradbury | of Eastland |
| Broyles | Dunagan |
| Burton | Dunlap of Hays |
| Butler of Brazos | Dunlap of Kleberg |
| Butler of Karnes | Dwyer |
| Cagle | England |
| Caldwell | Fain |
| Calvert | Farmer |
| Celaya | Fisher |
| Collins | Ford |
| Colquitt | Fox |
| Colson | Frazer |
| Cooper | Fuchs |

| | |
|------------------|-------------------|
| Gibson | McKinney |
| Glass | Moffett |
| Good | Morris |
| Graves | Morrison |
| Greathouse | Morse |
| Hankamer | Newton |
| Hanna | Nicholson |
| Harris of Archer | Palmer |
| Harris of Dallas | Patterson |
| Head | Payne |
| Hill | Pope |
| Hodges | Reed of Dallas |
| Hofheinz | Riddle |
| Holland | Roach of Angelina |
| Hoskins | Roark |
| Howard | Roberts |
| Huddleston | Rogers |
| Hunter | Russell |
| Hyder | Rutta |
| Jackson | Settle |
| James | Smith |
| Jefferson | Spears |
| Jones of Falls | Stanfield |
| Jones of Shelby | Steward |
| Jones of Wise | Stinson |
| King | Stovall |
| Latham | Tennyson |
| Leath | Thornton |
| Lemens | Tillery |
| Lindsey | Walker |
| Lotief | Westfall |
| Luker | Wood of Harrison |
| Mauritz | Wood of Montague |
| McCalla | Young |
| McConnell | Youngblood |
| McFarland | |

Nays—6

| | |
|---------|---------------|
| Aikin | Reed of Bowie |
| Canon | Roane |
| Lanning | Worley |

Present—Not Voting

Hardin

Absent

| | |
|-------------------|-------------|
| Adamson | Leonard |
| Adkins | Lucas |
| Alexander | McKee |
| Alsup | Moore |
| Bradford | Olsen |
| Clayton | Padgett |
| Craddock | Petsch |
| Dickison | Quinn |
| Duvall | Reader |
| Gray | Scarborough |
| Herzik | Shofner |
| Jones of Atascosa | Tarwater |
| Jones of Runnels | Waggoner |
| Keefe | Wells |
| Lange | |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

The Chair then laid Senate Bill No. 328 before the House on its third reading and final passage.

The bill was read third time, and was passed.

HOUSE BILL NO. 944 ON PASSAGE TO ENGROSSMENT

The Chair laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 944, A bill to be entitled "An Act amending Article 7105, eliminating from the provisions thereof, ferry, bridge, turnpike and toll companies, and declaring an emergency";

The bill having been read second time on yesterday.

Mr. Fox offered the following amendment to the bill:

Amend House Bill No. 944 by adding after the words "oil pipe line company" the following "gas pipe line companies."

Mr. Celaya moved to table the amendment by Mr. Fox.

The motion to table was lost.

Mr. Celaya asked unanimous consent to withdraw the bill from further consideration at this time. There was objection offered.

Question recurring on the amendment by Mr. Fox, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 944 was then passed to engrossment.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 601. The following have been appointed on the part of the Senate: Senators Sanderford, Rawlings, Hill, Hopkins, and Westerfeld.

The Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill

No. 777. The following have been appointed on the part of the Senate: Senators Beck, Woodruff, Poage, Regan, and Neal.

The Senate has adopted

Conference committee report on Senate Joint Resolution No. 26 by the following vote: Yeas, 22; nays, 4.

The Senate has concurred in House amendments to Senate Bill No. 479 by the following vote: Yeas, 28; nays, 1.

Respectfully,
BOB BARKER,
 Secretary of the Senate.

SENATE BILL NO. 238 ON PAS- SAGE TO ENGROSSMENT

The Chair laid before the House, as unfinished business, on its passage to third reading,

S. B. No. 238, A bill to be entitled "An Act to amend and amending Article 2968, Revised Civil Statutes of Texas, 1925, as amended by Chapter 26 of the Fifth Called Session of the Forty-first Legislature, and to provide for and to require the issuance of certificates of exemption without cost to all qualified voters not subject to the payment of a poll tax and providing the form thereof and the character of record to be made and kept by the tax collector and providing for the cancellation and reissue or indorsement thereof when the voter moves from one county to another and for the reissue in the event of loss of such certificate and to require the entry of the names of persons to whom such certificates are issued on the list of legal voters, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Leonard offered the following amendments to the bill:

Amend Senate Bill No. 238 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Article 2968 of Chapter 5, Title 50, of the Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 128 of the Fifth Called Session of the Forty-first Legislature of the State of Texas, same being Chapter No. 26 of the General Laws of Texas, 1930, is hereby amended by the addition of a new Article

to be known as Article 2968-a which shall read as follows:

"Article 2968-a. Every person not subject to the disqualifications set out in Article 2954 of the Revised Civil Statutes of 1925 who does not reside in a city of ten thousand inhabitants or more, and who is exempt from the payment of a poll tax by reason of the fact that he or she had not yet reached the age of twenty-one years on the first day of January preceding its levy, or who is exempt from the payment of a poll tax because he or she was not a resident of the State on the first day of January preceding its levy, but who shall have since become eligible to vote by reason of length of residence or age, shall, on or before the thirty-first day of January of the year in which he or she offers to vote, obtain from the assessor and collector of taxes for the county of his or her residence a certificate of exemption from the payment of a poll tax, and no such person who has failed or refused to obtain such certificate of exemption from the payment of a poll tax shall be allowed to vote.

"Such exempt person shall on oath state his name, age, race, county of residence, occupation, the length of time he has resided in the State of Texas, the length of time he has resided in said county, and the length of time in the city, and the number of the ward or voting precinct in which he resides, and shall also state his street address by name and number, if numbered, and his or her rural address if not a resident of a city or a village. He shall also state the grounds upon which he claims exemption from the payment of a poll tax, and such information pertaining to foreign-born citizens as is set out in the certificate hereinafter prescribed.

"A certificate of exemption from the payment of poll tax shall be issued from a well bound book, containing therein original and duplicate, and upon issue the certificate issued to the exempt voter shall be detached from said book, leaving therein a duplicate carbon or other copy thereof, which shall contain the same description, and the original certificate, bearing its proper number, shall be delivered to the citizen in person to identify him in voting. Certificates of exemption for each precinct shall be numbered consecutively, beginning at Number One.

"The tax assessor and collector shall place the names of such persons who are exempt from the payment of poll tax and who receive an exemption certificate under the terms of this Act, on the regular list of qualified voters for each precinct.

"No charge shall be made by the tax assessor and collector for the issuance of certificates of exemption as prescribed by this Act.

"Certificates shall be in substantially the following form:

"Certificate of Exemption from the Payment of Poll Tax. The State of Texas, County of....., Precinct No..... No.....

I,, Tax Assessor and Collector for said County, of the State of Texas, do hereby certify that personally appeared before me on the.....day of....., A. D. 19....., and being duly sworn declared his name to be....., that his race is....., that he was born in....., and (if of foreign birth and not a native citizen of the United States, received his final citizenship papers in the city of....., on the....day of....., of the year.....), that he is.....years old, that he has resided in the State of Texas for.....years, in..... County for....years, and in....., Texas, for.....years; and he now and has for the past.....years resided in Precinct No.....in Ward No..... in said City, and that his street address is No....., Street, or that his rural address is; that he is exempt from the payment of a poll tax for the year 19....., and that he is a qualified voter under the Constitution and laws of the State of Texas.

Given under my hand and seal of office, this the.....day of....., A. D. 19.....

(Signed).....

Tax Assessor and Collector,
.....County, Texas.

"In the event the exempt voter, holding certificate under this article, shall remove from one voting precinct to another within the county, he shall only be required to present his certificate of exemption to the tax assessor and collector for endorsement, which endorsement shall show the date of removal, and the date of endorsement, the new address and precinct to which such voter has removed, which en-

dorsement shall be under seal and signed by the county tax assessor and collector.

"In the event the exempted voter holding certificate under this article shall remove from the county in which he resided when same was issued, to another county in this State, he shall be required to present his certificate of exemption to the assessor and collector of taxes of the county of his new residence for reissue of registration and endorsement at least twenty days before any election at which he expects to vote.

"In the event of the loss of certificate of exemption, the voter may secure a reissue under his old number, by making affidavit of such loss before the county tax assessor and collector."

Sec. 2. The fact that Section 4 of Article VI of the Constitution of Texas provides that the Legislature shall make such regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box and the fact that present election laws with regard to the voting of certain persons exempt from the payment of a poll tax are inadequate to properly preserve the purity of the ballot box creates an emergency and an imperative public necessity that the constitutional rule, requiring all bills to be read on three several days in each house, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after October 1, 1935, and it is so enacted.

Amend Senate Bill No. 238 by striking out all above the enacting clause and substituting therefor the following:

"S. B. No. 238,

A BILL

To Be Entitled

"An Act to amend Article 2968, Revised Civil Statutes of Texas, 1925, as amended by Chapter 26, of the Fifth Called Session of the Forty-first Legislature, by adding thereto Article 2968-a, providing for the issuance of certificates of exemption without cost to certain qualified voters not subject to the payment of a poll tax; providing the form thereof and the character of record to be made and kept by the assessor and collector of taxes; providing for the reissue or indorse-

ment of such certificates of exemption under certain conditions; requiring the entry of the names of persons to whom such certificates are issued on the list of legal voters, and declaring that this Act shall be effective from and after October 1, 1935."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

Senate Bill No. 238 was then passed to third reading.

SENATE BILL NO. 238 ON THIRD READING

Mr. Leonard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 238 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116

| | |
|------------------|------------------|
| Adkins | Glass |
| Aikin | Good |
| Alsup | Graves |
| Ash | Greathouse |
| Atchison | Hankamer |
| Beck | Hanna |
| Bergman | Hardin |
| Bourne | Harris of Archer |
| Bradbury | Harris of Dallas |
| Bradford | Hartzog |
| Broyles | Head |
| Burton | Herzik |
| Butler of Brazos | Hill |
| Calvert | Hodges |
| Canon | Hofheinz |
| Collins | Holland |
| Colquitt | Hoskins |
| Cooper | Howard |
| Cowley | Huddleston |
| Craddock | Hyder |
| Crossley | Jackson |
| Daniel | James |
| Davisson | Jefferson |
| of Eastland | Jones of Falls |
| Dunagan | Jones of Shelby |
| Dunlap of Hays | Jones of Wise |
| Dwyer | Keefe |
| England | King |
| Fain | Lange |
| Farmer | Lanning |
| Fisher | Latham |
| Ford | Leath |
| Frazer | Lemens |
| Fuchs | Leonard |
| Gibson | Lindsey |

| | |
|-------------------|------------------|
| Lotief | Russell |
| Luker | Rutta |
| Mauritz | Scarborough |
| McCalla | Settle |
| McConnell | Shofner |
| McFarland | Smith |
| McKinney | Stanfield |
| Moffett | Steward |
| Morris | Stinson |
| Morse | Stovall |
| Newton | Tarwater |
| Nicholson | Tennyson |
| Olsen | Thornton |
| Padgett | Tillery |
| Palmer | Waggoner |
| Patterson | Walker |
| Pope | Wells |
| Reed of Bowie | Westfall |
| Reed of Dallas | Wood of Harrison |
| Roach of Angelina | Wood of Montague |
| Roane | Worley |
| Roark | Young |
| Roberts | Youngblood |
| Rogers | |

Absent

| | |
|-------------------|-------------------|
| Adamson | Hunter |
| Alexander | Jones of Atascosa |
| Butler of Karnes | Jones of Runnels |
| Cagle | Lucas |
| Caldwell | McKee |
| Celaya | Moore |
| Clayton | Morrison |
| Colson | Payne |
| Davis | Petsch |
| Dickison | Quinn |
| Dunlap of Kleberg | Reader |
| Duvall | Riddle |
| Fox | Spears |
| Gray | |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hunt | Venable |

The Chair then laid Senate Bill No. 238 before the House on its third reading and final passage.

The bill was read third time, and was passed.

HOUSE BILL NO. 914 WITH SENATE AMENDMENTS

Mr. Morse called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 914, A bill to be entitled "An Act to create the San Jacinto River Conservation and Reclamation District under the authority of Section 59, of Article XVI, of the Constitution of Texas, and defining the powers and duties of the said district;

providing for temporary directors and organization and operation of the district; and the authority and duties of said temporary directors; etc., and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Morse, the House concurred in the Senate amendments.

HOUSE BILL NO. 944 ON THIRD READING

Mr. Daniel moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 944 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

| | |
|-------------------|-------------------|
| Adamson | Head |
| Aikin | Herzik |
| Alexander | Hodges |
| Ash | Hofheinz |
| Atchison | Holland |
| Beck | Hoskins |
| Bergman | Howard |
| Bourne | Huddleston |
| Bradbury | Hyder |
| Bradford | Jackson |
| Burton | James |
| Butler of Brazos | Jefferson |
| Cagle | Jones of Falls |
| Caldwell | Jones of Shelby |
| Calvert | Jones of Wise |
| Canon | Keefe |
| Collins | King |
| Colquitt | Lange |
| Colson | Lanning |
| Cooper | Latham |
| Cowley | Leath |
| Craddock | Lindsey |
| Crosley | Lotief |
| Daniel | Lucas |
| Davison of Fisher | Luker |
| Davisson | Mauritz |
| of Eastland | McCalla |
| Dunlap of Hays | McConnell |
| Dwyer | McFarland |
| England | McKinney |
| Fain | Moffett |
| Farmer | Morris |
| Fisher | Newton |
| Ford | Olsen |
| Fox | Padgett |
| Fuchs | Palmer |
| Gibson | Patterson |
| Glass | Petsch |
| Good | Quinn |
| Graves | Reed of Bowie |
| Greathouse | Roach of Angelina |
| Hardin | Roark |
| Harris of Archer | Roberts |

| | |
|-------------|------------------|
| Rogers | Thornton |
| Russell | Tillery |
| Rutta | Waggoner |
| Scarborough | Wells |
| Settle | Westfall |
| Shofner | Wood of Harrison |
| Smith | Wood of Montague |
| Spears | Worley |
| Stanfield | Young |
| Steward | Youngblood |
| Tennyson | |

Nays—11

| | |
|-------------------|----------------|
| Alsup | Morse |
| Dunlap of Kleberg | Nicholson |
| Frazer | Reed of Dallas |
| Hanna | Stinson |
| Harris of Dallas | Stovall |
| Hill | |

Absent

| | |
|-------------------|------------------|
| Adkins | Jones of Runnels |
| Broyles | Lemens |
| Butler of Karnes | Leonard |
| Celaya | McKee |
| Clayton | Moore |
| Davis | Morrison |
| Dickison | Payne |
| Dunagan | Pope |
| Duvall | Reader |
| Gray | Riddle |
| Hankamer | Roane |
| Hunter | Tarwater |
| Jones of Atascosa | Walker |

Absent—Excused

| | |
|-----------|---------------|
| Fitzwater | Knetsch |
| Hartzog | Roach of Hunt |
| Hunt | Venable |

The Chair then laid House Bill No. 944 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

| | |
|------------------|----------------|
| Adamson | Colquitt |
| Aikin | Cooper |
| Alexander | Cowley |
| Ash | Daniel |
| Atchison | Davis |
| Bergman | Davisson |
| Bourne | of Eastland |
| Bradbury | Dunlap of Hays |
| Bradford | Dwyer |
| Broyles | England |
| Burton | Fain |
| Butler of Brazos | Farmer |
| Cagle | Fisher |
| Caldwell | Ford |
| Calvert | Fuchs |
| Canon | Gibson |
| Celaya | Glass |
| Collins | Good |

| | |
|------------------|-------------------|
| Graves | Morris |
| Gray | Newton |
| Greathouse | Nicholson |
| Hardin | Olsen |
| Harris of Archer | Padgett |
| Harris of Dallas | Palmer |
| Head | Patterson |
| Herzik | Payne |
| Hill | Quinn |
| Hodges | Reed of Bowie |
| Hofheinz | Riddle |
| Holland | Roach of Angelina |
| Hoskins | Roark |
| Howard | Roberts |
| Huddleston | Rogers |
| Jackson | Russell |
| James | Rutta |
| Jefferson | Scarborough |
| Jones of Shelby | Settle |
| Jones of Wise | Shofner |
| Keefe | Smith |
| King | Spears |
| Lange | Stanfield |
| Lanning | Steward |
| Latham | Stovall |
| Leath | Tarwater |
| Lemens | Tennyson |
| Lindsey | Thornton |
| Lotief | Walker |
| Lucas | Wells |
| Luker | Westfall |
| Mauritz | Wood of Harrison |
| McCalla | Wood of Montague |
| McFarland | Worley |
| McKinney | Young |

Nays—9

| | |
|-------------------|----------------|
| Alsup | Reed of Dallas |
| Craddock | Roane |
| Dunlap of Kleberg | Stinson |
| Hanna | Youngblood |
| Morse | |

Absent

| | |
|------------------|-------------------|
| Adkins | Jones of Atascosa |
| Beck | Jones of Falls |
| Butler of Karnes | Jones of Runnels |
| Clayton | Leonard |
| Colson | McConnell |
| Crossley | McKee |
| Dickison | Moffett |
| Durifagan | Moore |
| Duvall | Morrison |
| Fox | Petsch |
| Frazer | Pope |
| Hankamer | Reader |
| Hunter | Tillery |
| Hyder | Waggoner |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

(Speaker in the Chair.)

TO SUSPEND CERTAIN JOINT RULES

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 66, To suspend certain Joint Rules to consider certain bills.

Whereas, We are approaching adjournment and there is a series of corrective bills by Representative McCalla which have passed the House and are on the Senate Calendar; and

Whereas, All of said bills are non-controversial and merely corrective statutes and have been passed out of the Committee on Civil Jurisprudence and should be enacted into law to correct errors in the present statutes; now, therefore, be it

Resolved by the Senate, the House concurring, That Joint Rule No. 11 and all other rules be, and they are hereby suspended, with reference to the consideration and passage of the hereinafter numbered bills by Representative McCalla: House Bills Nos. 301, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 296, 298, 299, 300, 543, 542, 643, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 297.

The resolution was read second time, and was adopted.

SENATE BILL NO. 526 ON SECOND READING

On motion of Mr. Patterson, the Seventy-two-hour House Rule and the Forty-eight-hour House Rule were suspended for the purpose of taking up and considering, at this time, Senate Bill No. 526.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 526, A bill to be entitled "An Act transferring the use and possession of 16.66 acres of land out of the George W. Spear Headright League adjoining Camp Mabry, in Travis County, Texas, title to which is now in the State of Texas, authorizing the Highway Department to pay to the Adjutant General's Department the sum of thirty-two hundred dollars (\$3,200), making an appropriation to the Adjutant General's Department of such sum so received, and authorizing the Adjutant General's Department to purchase for the State of Texas a suitable right of way and entrance to Camp Mabry, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 526 ON THIRD READING

Mr. Hoskins moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 526 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

| | |
|------------------|-------------------|
| Adamson | Howard |
| Adkins | Huddleston |
| Aikin | Hunter |
| Alexander | Hyder |
| Ash | Jackson |
| Atchison | James |
| Beck | Jefferson |
| Bergman | Jones of Atascosa |
| Bourne | Jones of Shelby |
| Bradbury | Jones of Wise |
| Bradford | Keefe |
| Broyles | King |
| Burton | Lanning |
| Butler of Brazos | Latham |
| Butler of Karnes | Leath |
| Calvert | Lemens |
| Canon | Leonard |
| Celaya | Lindsey |
| Collins | Lotief |
| Colquitt | Lucas |
| Cooper | Mauritz |
| Cowley | McCalla |
| Craddock | McConnell |
| Daniel | McFarland |
| Davis | McKee |
| Davisson | McKinney |
| of Eastland | Moffett |
| Dickison | Morris |
| Dunagan | Morrison |
| Dunlap of Hays | Newton |
| England | Nicholson |
| Fain | Padgett |
| Farmer | Patterson |
| Fisher | Payne |
| Ford | Petsch |
| Fox | Pope |
| Fuchs | Quinn |
| Gibson | Reed of Bowie |
| Glass | Reed of Dallas |
| Good | Riddle |
| Graves | Roach of Angelina |
| Gray | Roach of Hunt |
| Greathouse | Roark |
| Hankamer | Roberts |
| Harris of Archer | Rogers |
| Harris of Dallas | Russell |
| Head | Rutta |
| Herzik | Settle |
| Hodges | Shofner |
| Hofheinz | Smith |
| Hoskins | Spears |

Stanfield
Steward
Stinson
Stovall
Tennyson
Thornton
Tillery

Walker
Wells
Wood of Harrison
Wood of Montague
Worley
Young
Youngblood

Nays—1

Cagle

Absent

| | |
|-------------------|------------------|
| Alsup | Jones of Runnels |
| Caldwell | Lange |
| Clayton | Luker |
| Colson | Moore |
| Crossley | Morse |
| Dunlap of Kleberg | Olsen |
| Duvall | Palmer |
| Dwyer | Reader |
| Frazer | Roane |
| Hanna | Scarborough |
| Hardin | Tarwater |
| Hill | Waggoner |
| Holland | Westfall |
| Jones of Falls | |

Absent—Excused

| | |
|-------------------|---------|
| Davison of Fisher | Hunt |
| Fitzwater | Knetsch |
| Hartzog | Venable |

The Speaker then laid Senate Bill No. 526 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—116

| | |
|------------------|------------------|
| Adamson | Davisson |
| Aikin | of Eastland |
| Alexander | Dunagan |
| Alsup | Dunlap of Hays |
| Ash | England |
| Atchison | Fain |
| Beck | Farmer |
| Bergman | Fisher |
| Bourne | Ford |
| Bradbury | Fox |
| Bradford | Fuchs |
| Broyles | Gibson |
| Burton | Glass |
| Butler of Brazos | Good |
| Butler of Karnes | Graves |
| Cagle | Gray |
| Caldwell | Greathouse |
| Calvert | Hankamer |
| Canon | Harris of Archer |
| Celaya | Harris of Dallas |
| Collins | Head |
| Colquitt | Herzik |
| Cowley | Hodges |
| Craddock | Hofheinz |
| Crossley | Hoskins |
| Daniel | Huddleston |
| Davis | Hunter |

| | |
|-------------------|-------------------|
| Hyder | Patterson |
| Jackson | Petsch |
| James | Pope |
| Jefferson | Quinn |
| Jones of Atascosa | Reed of Bowie |
| Jones of Falls | Reed of Dallas |
| Jones of Runnels | Riddle |
| Jones of Shelby | Roach of Angelina |
| Jones of Wise | Roark |
| Keefe | Roberts |
| King | Rogers |
| Lanning | Russell |
| Latham | Rutta |
| Leath | Settle |
| Lemens | Shofner |
| Leonard | Smith |
| Lindsey | Spears |
| Lotief | Stanfield |
| Lucas | Steward |
| Mauritz | Stinson |
| McCalla | Stovall |
| McConnell | Thornton |
| McFarland | Tillery |
| McKee | Walker |
| McKinney | Wells |
| Moffett | Westfall |
| Morris | Wood of Harrison |
| Morrison | Wood of Montague |
| Newton | Worley |
| Nicholson | Young |
| Padgett | Youngblood |
| Palmer | |

Absent

| | |
|-------------------|-------------|
| Adkins | Howard |
| Clayton | Lange |
| Colson | Luker |
| Cooper | Moore |
| Dickison | Morse |
| Dunlap of Kleberg | Olsen |
| Duvall | Payne |
| Dwyer | Reader |
| Frazer | Roane |
| Hanna | Scarborough |
| Hardin | Tarwater |
| Hill | Tennyson |
| Holland | Waggoner |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 182, to the Committee on Public Health.

Senate Bill No. 265, to the Committee on Highways and Motor Traffic.

MOTION TO TAKE UP SENATE BILL NO. 442

Mr. Hofheinz moved that the Seventy-two-Hour House Rule and the Forty-eight Hour House Rule be suspended at this time, for the purpose of considering

S. B. No. 442, A bill to be entitled "An Act providing for the inspection and fixing a standard for the construction of boilers; providing for the appointment of a boiler inspector; defining boiler, owner and safety device; providing rules for the enforcement of this Act; providing penalties for failure to comply with the provisions; providing for the exemption of boilers from the provisions of this Act; providing for annual salary of inspector and clerical assistance and supplies; and declaring an emergency."

The motion was lost.

SENATE BILL NO. 182 ON SECOND READING

On motion of Mr. Morse, Senate Bill No. 182 was ordered not printed.

On motion of Mr. Morse, the Seventy-two-hour House Rule and the Forty-eight-hour House Rule were suspended for the purpose of taking up and considering at this time Senate Bill No. 182.

Mr. Morse moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 182 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

| | |
|------------------|----------------|
| Adamson | Collins |
| Adkins | Colquitt |
| Aikin | Cooper |
| Alexander | Cowley |
| Alsup | Craddock |
| Atchison | Crossley |
| Beck | Daniel |
| Bourne | Davis |
| Bradbury | Dickison |
| Bradford | Dunlap of Hays |
| Broyles | England |
| Burton | Fain |
| Butler of Brazos | Fisher |
| Butler of Karnes | Ford |
| Caldwell | Fox |
| Calvert | Gibson |
| Canon | Glass |

| | |
|------------------|-------------------|
| Good | Morrison |
| Graves | Morse |
| Greathouse | Newton |
| Hankamer | Nicholson |
| Harris of Archer | Padgett |
| Harris of Dallas | Patterson |
| Head | Payne |
| Herzik | Petsch |
| Hill | Quinn |
| Hodges | Reed of Bowie |
| Hofheinz | Reed of Dallas |
| Hoskins | Riddle |
| Howard | Roach of Angelina |
| Huddleston | Roark |
| Hunter | Roberts |
| Hyder | Rogers |
| Jackson | Russell |
| James | Scarborough |
| Jefferson | Settle |
| Jones of Falls | Shofner |
| Jones of Runnels | Smith |
| Jones of Shelby | Stanfield |
| Jones of Wise | Steward |
| King | Stovall |
| Lange | Tennyson |
| Latham | Thornton |
| Lemens | Tillery |
| Lotief | Waggoner |
| McCalla | Walker |
| McConnell | Wells |
| McFarland | Westfall |
| McKee | Wood of Harrison |
| McKinney | Wood of Montague |
| Moffett | Worley |
| Moore | Young |
| Morris | Youngblood |

Nays—3

Lanning Palmer
Lindsey

Present—Not Voting

Cagle

Absent

| | |
|-------------------|-------------------|
| Ash | Holland |
| Bergman | Jones of Atascosa |
| Celaya | Keefe |
| Clayton | Leath |
| Colson | Leonard |
| Davisson | Lucas |
| of Eastland | Luker |
| Dunagan | Mauritz |
| Dunlap of Kleberg | Olsen |
| Duvall | Pope |
| Dwyer | Reader |
| Farmer | Roane |
| Frazer | Rutta |
| Fuchs | Spears |
| Gray | Stinson |
| Hanna | Tarwater |
| Hardin | |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 182, A bill to be entitled "An Act to amend Acts of 1903, Twenty-eighth Legislature, Regular Session, page 123, Chapter 95, Senate Bill No. 76, etc.; providing for the appointment of members of the State Board of Embalming; etc."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 182 ON THIRD READING

The Speaker then laid Senate Bill No. 182 before the House on its third reading and final passage.

The bill was read third time, and was passed.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Joint Resolution No. 5. The following have been appointed on the part of the Senate: Senators Rawlings, DeBerry, Sanderford, Poage, and Beck.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 179 ON SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 179, A bill to be entitled "An Act withdrawing from sale or lease for minerals or otherwise all lands situated in the bed of the Nueces River between the lower boundary of La Fruta Dam, now being reconstructed by the City of Corpus Christi, and the junction of the Nueces River with the eastern boundary line of McMullen County; etc., and declaring an emergency."

The bill was read second time.

Mr. Roberts offered the following amendment to the bill:

Amend House Bill No. 179 by adding a new section between Sections 4 and 5 to be numbered Section 4-a, to read as follows:

"Section 4-a. This section shall not apply to any individually owned lands within said area and shall only affect the land owned by the State of Texas between the cut banks of the said Nueces River."

ROBERTS,
JONES of Atascosa.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 179 was then passed to engrossment.

HOUSE BILL NO. 179 ON THIRD READING

Mr. Pope moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 179 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107

| | |
|------------------|-------------------|
| Adamson | Dunlap of Hays |
| Adkins | England |
| Aikin | Fain |
| Alexander | Farmer |
| Alsup | Ford |
| Ash | Fox |
| Beck | Frazer |
| Bergman | Gibson |
| Bourne | Glass |
| Bradbury | Good |
| Bradford | Gray |
| Broyles | Hanna |
| Burton | Hardin |
| Butler of Brazos | Harris of Archer |
| Butler of Karnes | Harris of Dallas |
| Cagle | Herzik |
| Caldwell | Hill |
| Calvert | Hodges |
| Canon | Holland |
| Collins | Hoskins |
| Colquitt | Howard |
| Colson | Huddleston |
| Cooper | Hyder |
| Cowley | Jackson |
| Crossley | James |
| Daniel | Jefferson |
| Davisson | Jones of Atascosa |
| of Eastland | Jones of Falls |
| Dunagan | Jones of Runnels |

Jones of Shelby
Jones of Wise
Keefe
King
Lanning
Latham
Leath
Lemens
Lindsey
Lotief
Lucas
McCalla
McConnell
Moffett
Moore
Morris
Morrison
Morse
Newton
Nicholson
Padgett
Palmer
Payne
Pope
Quinn

Reed of Bowie
Reed of Dallas
Riddle
Roach of Angelina
Roark
Rogers
Russell
Rutta
Scarborough
Settle
Shofner
Smith
Spears
Stanfield
Steward
Tennyson
Thornton
Tillery
Waggoner
Walker
Wells
Westfall
Wood of Harrison
Wood of Montague
Worley

Nays—1

Stovall

Absent

| | |
|-------------------|------------|
| Atchison | Lange |
| Celaya | Leonard |
| Clayton | Luker |
| Craddock | Mauritz |
| Davis | McFarland |
| Dickison | McKee |
| Dunlap of Kleberg | McKinney |
| Duval | Olsen |
| Dwyer | Patterson |
| Fisher | Petsch |
| Fuchs | Reader |
| Graves | Roane |
| Greathouse | Roberts |
| Hankamer | Stinson |
| Head | Tarwater |
| Hofheinz | Young |
| Hunter | Youngblood |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

The Speaker then laid House Bill No. 179 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—102

| | |
|-----------|---------|
| Adamson | Alsup |
| Adkins | Ash |
| Aikin | Beck |
| Alexander | Bergman |

| | |
|---------------------|-------------------|
| Bourne | Jones of Runnels |
| Bradbury | Jones of Shelby |
| Bradford | Jones of Wise |
| Broyles | Keefe |
| Burton | King |
| Butler of Brazos | Lanning |
| Butler of Karnes | Latham |
| Cagle | Lemens |
| Calvert | Lindsey |
| Canon | Lotief |
| Collins | Lucas |
| Colquitt | McConnell |
| Cooper | McKee |
| Cowley | Moffett |
| Craddock | Moore |
| Daniel | Morris |
| Davison of Fisher | Morrison |
| Davison of Eastland | Newton |
| Dunagan | Nicholson |
| Dunlap of Hays | Patterson |
| England | Payne |
| Fain | Pope |
| Farmer | Quinn |
| Fisher | Reed of Bowie |
| Ford | Riddle |
| Fox | Roach of Angelina |
| Frazer | Roark |
| Gibson | Roberts |
| Glass | Rogers |
| Good | Russell |
| Graves | Rutta |
| Gray | Scarborough |
| Hankamer | Settle |
| Hanna | Shofner |
| Harris of Archer | Spears |
| Herzik | Stanfield |
| Hill | Steward |
| Hodges | Stovall |
| Hoskins | Tennyson |
| Howard | Thornton |
| Huddleston | Waggoner |
| Hyder | Walker |
| Jackson | Wells |
| James | Westfall |
| Jefferson | Wood of Harrison |
| Jones of Atascosa | Wood of Montague |
| Jones of Falls | Worley |

Nays—3

| | |
|------------------|----------------|
| Harris of Dallas | Reed of Dallas |
| McCalla | |

Present—Not Voting

Luker

Absent

| | |
|-------------------|------------|
| Atchison | Dwyer |
| Caldwell | Fuchs |
| Celaya | Greathouse |
| Clayton | Hardin |
| Colson | Head |
| Crossley | Hofheinz |
| Davis | Holland |
| Dickison | Hunter |
| Dunlap of Kleberg | Lange |
| Duvall | Leath |

| | |
|-----------|------------|
| Leonard | Reader |
| Mauritz | Roane |
| McFarland | Smith |
| McKinney | Stinson |
| Morse | Tarwater |
| Olsen | Tillery |
| Padgett | Young |
| Palmer | Youngblood |
| Petsch | |

Absent—Excused

| | |
|-----------|---------------|
| Fitzwater | Knetsch |
| Hartzog | Roach of Hunt |
| Hunt | Venable |

HOUSE BILL NO. 994 ON SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 994, A bill to be entitled "An Act authorizing any county or dsitric, organized, or which may be hereafter organized, in accordance with the laws of the State of Texas, to purchase for the use or benefit of the people within and adjacent to any such county or district, or the use or benefit of a portion of the area of such political subdivision served thereby, work, buildings, equipment, together with all the rights, lands and easements appurtenant thereto and necessary therefor, for rendering irrigation, flood prevention, drainage, water supply and/or sewerage service; etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 994 ON THIRD READING

Mr. Jones of Atascosa moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 994 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

| | |
|-----------|------------------|
| Adamson | Bradbury |
| Adkins | Bradford |
| Aikin | Broyles |
| Alexander | Burton |
| Alsup | Butler of Brazos |
| Ash | Cagle |
| Beck | Calvert |
| Bergman | Canon |
| Bourne | Collins |

| | |
|-------------------|-------------------|
| Colquitt | Lucas |
| Cooper | Luker |
| Cowley | McCalla |
| Craddock | McConnell |
| Crossley | McFarland |
| Daniel | McKee |
| Davis | McKinney |
| Dunagan | Moffett |
| Dunlap of Hays | Moore |
| England | Morrison |
| Fain | Morse |
| Farmer | Newton |
| Fisher | Nicholson |
| Ford | Palmer |
| Fox | Patterson |
| Frazer | Pope |
| Gibson | Quinn |
| Glass | Reed of Bowie |
| Good | Reed of Dallas |
| Gray | Riddle |
| Greathouse | Roach of Angelina |
| Hardin | Roark |
| Harris of Archer | Roberts |
| Harris of Dallas | Rogers |
| Head | Russell |
| Herzik | Rutta |
| Hill | Scarborough |
| Hodges | Settle |
| Hofheinz | Shofner |
| Hoskins | Smith |
| Howard | Spears |
| Hyder | Stanfield |
| James | Steward |
| Jefferson | Stovall |
| Jones of Atascosa | Tarwater |
| Jones of Falls | Tennyson |
| Jones of Runnels | Thornton |
| Jones of Shelby | Waggoner |
| Keefe | Walker |
| King | Wells |
| Lanning | Westfall |
| Latham | Wood of Harrison |
| Lemens | Wood of Montague |
| Leonard | Worley |
| Lindsey | Young |
| Lotief | Youngblood |

Nays—1

Roane

Absent

| | |
|-------------------|---------------|
| Atchison | Holland |
| Butler of Karnes | Huddleston |
| Caldwell | Hunter |
| Celaya | Jackson |
| Clayton | Jones of Wise |
| Colson | Lange |
| Davison | Leath |
| of Eastland | Mauritz |
| Dickison | Morris |
| Dunlap of Kleberg | Olsen |
| Duvall | Padgett |
| Dwyer | Payne |
| Fuchs | Petsch |
| Graves | Reader |
| Hankamer | Stinson |
| Hanna | Tillery |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hartzog | Venable |
| Hunt | |

The Speaker then laid House Bill No. 994 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104

| | |
|------------------|-------------------|
| Adamson | Jefferson |
| Adkins | Jones of Atascosa |
| Aikin | Jones of Falls |
| Alexander | Jones of Runnels |
| Alsup | Jones of Shelby |
| Beck | Jones of Wise |
| Bergman | Keefe |
| Bourne | King |
| Bradbury | Lanning |
| Bradford | Latham |
| Broyles | Lemens |
| Burton | Lotief |
| Butler of Brazos | Lucas |
| Calvert | McConnell |
| Canon | McKee |
| Collins | McKinney |
| Colquitt | Moffett |
| Cooper | Moore |
| Cowley | Morris |
| Craddock | Morrison |
| Crossley | Morse |
| Daniel | Newton |
| Davis | Nicholson |
| Dickison | Palmer |
| Dunagan | Patterson |
| Dunlap of Hays | Pope |
| England | Quinn |
| Fain | Reed of Bowie |
| Farmer | Reed of Dallas |
| Fisher | Riddle |
| Ford | Roach of Angelina |
| Fox | Roberts |
| Gibson | Rogers |
| Glass | Russell |
| Graves | Rutta |
| Gray | Scarborough |
| Greathouse | Settle |
| Hankamer | Shofner |
| Hardin | Spears |
| Harris of Archer | Stanfield |
| Harris of Dallas | Steward |
| Hartzog | Stovall |
| Head | Tennyson |
| Herzik | Thornton |
| Hill | Tillery |
| Hodges | Walker |
| Hofheinz | Wells |
| Hoskins | Westfall |
| Huddleston | Wood of Harrison |
| Hyder | Wood of Montague |
| Jackson | Worley |
| James | Young |

Nays—3

McCalla
Roane

Roark

Absent

| | |
|-------------------|------------|
| Ash | Hunter |
| Atchison | Lange |
| Butler of Karnes | Leath |
| Cagle | Leonard |
| Caldwell | Lindsey |
| Celaya | Luker |
| Clayton | Mauritz |
| Colson | McFarland |
| Davisson | Olsen |
| of Eastland | Padgett |
| Dunlap of Kleberg | Payne |
| Duvall | Petsch |
| Dwyer | Reader |
| Frazer | Smith |
| Fuchs | Stinson |
| Good | Tarwater |
| Hanna | Waggoner |
| Holland | Youngblood |
| Howard | |

Absent—Excused

| | |
|-------------------|---------------|
| Davison of Fisher | Knetsch |
| Fitzwater | Roach of Hunt |
| Hunt | Venable |

BILLS AND RESOLUTIONS
SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 885, "An Act authorizing Real County to issue certain warrants or other evidences of indebtedness and to declare the validity of certain indebtedness arising out of the construction of State Highway No. 41 in the County of Real; etc., and declaring an emergency."

H. B. No. 938, "An Act authorizing county attorneys in counties of not less than 30,000 nor more than 50,000 inhabitants, to appoint a stenographer, upon application to the commissioners court for authority; providing maximum compensation to be paid such stenographer; providing such compensation shall be paid out of fees of office of such county attorneys, and declaring an emergency."

H. B. No. 985, "An Act fixing the fees and salary of the official shorthand reporter of the County Court of Jefferson County at Law, Jefferson County, Texas, and providing the

manner of payment; and declaring an emergency."

H. B. No. 442, "An Act to fix the salaries and compensation in counties with a population of not less than nine thousand seven hundred and ten (9,710) inhabitants nor more than nine thousand seven hundred and twenty-five (9,725) inhabitants, according to the last Federal Census, and counties with a population with not less than eighteen thousand five hundred and twenty-eight (18,528) inhabitants, nor more than eighteen thousand five hundred and fifty (18,550) inhabitants, according to the last Federal Census as to population; etc., and declaring an emergency."

H. B. No. 635, "An Act validating, ratifying, approving, and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city, or incorporated town of this State for public works projects, and declaring an emergency."

H. B. No. 987, "An Act authorizing the Board of Regents of the University of Texas to issue surface leases for a term not exceeding 99 years to any University lands located in El Paso County, Texas, and declaring an emergency."

H. B. No. 963, "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, in counties having a population of not less than twenty-two thousand four hundred and fifty (22,450), and not more than twenty-two thousand eight hundred fifty (22,850), according to the last preceding Federal Census, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion or other informal action; etc., and declaring an emergency."

H. B. No. 847, "An Act prohibiting the transportation by any one person at any one time of more than one hundred twenty-five (125) minnows taken from the waters of Falls County, Texas, beyond the borders of such

county; providing a penalty; and declaring an emergency."

H. B. No. 982, "An Act making it unlawful to use seines or nets, except those of certain dimensions of mesh, for taking fish from waters in Bastrop County; providing dimensions of mesh of minnow seines; setting the time for use of such nets or seines; repealing all laws in conflict herewith; providing a penalty for violation thereof, and declaring an emergency."

H. B. No. 85, "An Act to amend Article 1650 of the Revised Civil Statutes of Texas of 1925 with respect to the authority of the county auditor to appoint assistants; providing for oath and bond of assistants; providing for an application by the county auditor to the district judges having jurisdiction, setting forth number, qualifications, duties and compensation of such assistants; providing for approval and certification of such appointments to the commissioners court by the district judges having jurisdiction; etc., and declaring an emergency."

H. B. No. 862, "An Act making it an offense for any person to forge the name of any agent, officer or employee of the Railroad Commission of Texas to a permit or tender of the Railroad Commission of Texas relating to crude petroleum oil or natural gas or any product or by-product of either; making it an offense for any person to forge the name of any other person to such a tender or permit; making it an offense for any person to knowingly use such a forged instrument to induce another to handle or transport any crude petroleum oil or natural gas or any product or by-product of either; etc., and declaring an emergency."

H. B. No. 427, "An Act amending Article 3899 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-third Legislature, passed in its Regular Session, the same being Section 4, of Chapter 220, of Senate Bill No. 209; providing for the filing of an itemized sworn statement of all of the actual and necessary expenses incurred by certain officers; providing for an audit by the county auditor or commissioners court; providing for approval or re-

jection; etc., and declaring an emergency."

H. B. No. 320, "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, common consolidated school districts, consolidated independent school districts, county line school districts, and rural high school districts, whether created by general or special law or by county boards of trustees; etc., and declaring an emergency."

S. B. No. 355, "An Act creating a conservation and reclamation district to be known as the Central Colorado River Authority, pursuant to and for the purpose set forth in Section 59 of Article XVI of the Constitution of the State of Texas; etc., and declaring an emergency."

S. C. R. No. 34, Granting Mrs. Alma Besch permission to sue the State.

H. C. R. No. 136, Suspending certain Joint Rules to consider House Bill No. 836.

H. C. R. No. 139, Suspending certain Joint Rules to consider House Bill No. 988.

H. C. R. No. 150, Endorsing D. B. Hardeman for certain position.

H. C. R. No. 153, Suspending certain Joint Rules to consider House Bill No. 1003.

H. C. R. No. 129, Suspending certain Joint Rules to consider House Bill No. 944.

H. C. R. No. 162, To provide that House Bill No. 11 shall become effective immediately.

H. C. R. No. 163, Authorizing certain correction in House Bill No. 963.

H. J. R. No. 48, Proposing an amendment to Section 1 of Article XVII of the Constitution of Texas, providing that constitutional amendments may be submitted by the Legislature at Special Sessions under certain conditions; providing for an election on the question of the adoption of such amendment and providing for the proclamation and the publication thereof; prescribing the form of ballot and making an appropriation therefor.

RECESS

On motion of Mr. Reed of Bowie, the House, at 11:55 o'clock a. m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

CONCERNING CERTAIN CHANNEL ON SABINE LAKE

Mr. Quinn offered the following resolution:

H. C. R. No. 169, Concerning certain channel along bank of Sabine Lake.

Whereas, The Federal Government has heretofore dredged a channel along the north bank of Sabine Lake, in the City of Port Arthur; and

Whereas, The State of Texas has spent approximately two million dollars (\$2,000,000) for a revetment and a sea wall between the channel and through the City of Port Arthur; and

Whereas, The Federal Government, from time to time, in deepening and widening the channel is depositing huge quantities of mud and soil, which creates a natural breeding place for mosquitoes which are carried into Port Arthur; and

Whereas, The recreational features of the lake, in the past enjoyed by over fifty thousand of its citizens have been practically destroyed, over the protest of the citizens of Port Arthur, backed by every civic club and organization in the city; and

Whereas, The citizens of Port Arthur will have a delegation in Washington on May 21 to appear before the Senate committee with a request that the Federal Government build a revetment near the edge of Lake Sabine in order to protect the lake from being ruined by the dumping of the mud from said channel; therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature, the Senate concurring, That we recommend that the Federal Government carefully consider the request of the citizens of Port Arthur in this important matter, and it is the opinion of the members of the Texas Legislature that the citizens of Port Arthur are entitled to some

relief, and we, therefore, request each of our Representatives in Congress, from Texas, to carefully consider this proposition and assist the citizens of Port Arthur in every way possible in this proposition; and be it further

Resolved, That a copy of this resolution be forwarded to the Chairman of the River and Harbor Committee of the Congress and to each Texas member of the United States House and Senate.

QUINN,
NICHOLSON,
McKEE.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 3 WITH SENATE AMENDMENTS

Mr. Tillery called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 3, A bill to be entitled "An Act amending Article 924, Penal Code, 1925, making it unlawful to use certain explosives or other things harmful to fish in any of the waters of this State; providing a penalty, and declaring an emergency."

The Speaker laid the before the House, with the Senate amendments.

On motion of Mr. Tillery, the House concurred in the Senate amendments.

RECALLING SENATE BILL NO. 234 FROM THE GOVERNOR'S OFFICE

Mr. Patterson offered the following resolution:

H. C. R. No. 171, Recalling Senate Bill No. 234 from the Governor's office.

Whereas, Senate Bill No. 234 has passed both the Senate and the House; and

Whereas, Senate Bill No. 234 is now in the Governor's office; and

Whereas, It has been found that two amendments, offered by the House and concurred in by the Senate, were omitted; now, therefore, be it

Resolved, That Senate Bill No. 234 be recalled from the Governor's office for correction; and, be it

Resolved, That authority is given to erase the signatures of the Lieutenant Governor and Speaker and presiding officers; and the Enrolling

Clerk be instructed to insert said omitted amendments.

The resolution was read second time, and was adopted.

RELATIVE TO CERTAIN FEES FOR SHERIFFS

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 40, To allow sheriffs expense account for operation of their cars.

The resolution having heretofore been read second time, and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 105, Relative to the investigation of the Department of Agriculture. (With amendments.)

S. C. R. No. 67, Suspending Joint Rule No. 11 and all other rules necessary to take up and dispose of House Bill No. 486.

The Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 990. The following have been appointed on the part of the Senate: Senators Shivers, Pace, Holbrook, Hopkins, and Small.

The Senate has passed

H. B. No. 1004, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

H. B. No. 814, A bill to be entitled "An Act repealing Article 941, Penal Code of Texas, 1925, as amended by Acts, 1929, Forty-first Legislature, Chapter 119, and as further amended by Acts, 1930, Forty-first Legislature, Fifth Called Session, Chapter 13, Section 1, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 65 WITH SENATE AMENDMENTS

Mr. Tennyson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 65, A bill to be entitled "An Act amending Article 1119, of the Revised Civil Statutes of Texas of 1925, so as to make its provisions apply to all incorporated cities or towns incorporated under the General Laws of the State of Texas, and to limit the earnings of persons, companies, or corporations coming within the provisions of said article to an amount not exceeding a fair return upon the fair value of the property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum; etc."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Tennyson raised the following point of order on further consideration of the Senate amendments to House Bill No. 65:

"Mr. Speaker: I raise the point of order on the substitute bill for House Bill No. 65 on the grounds that the bill is not germane to the original purpose of the Act, and is violative of the Constitution of the State of Texas. I refer you to Section 30 of Article III of the Constitution of the State of Texas, which reads as follows:

"No law shall be passed, except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose."

"I submit, Mr. Speaker, that the original purpose of House Bill No. 65 was to extend regulatory power to cities and towns in Texas under population of two thousand (2,000), and to include telephone companies

within the scope of regulation requiring reports, etc.

"I submit, further, that the substitute bill has an entirely different purpose, in that it seeks to take away, instead of extend regulatory authority to cities of Texas and proposes to create a centralized commission, which is not set forth in the original caption of House Bill No. 65.

"I submit, further, that the purpose of an Act must be contained in the caption, and that the purpose of the Act may deal with one subject, as is set forth in Section 35, Article III of the Constitution, but the purport must be taken into consideration in order to determine the germaneness of the purpose of the original bill."

The Speaker sustained the point of order, stating his reasons as follows:

House Bill No. 65 is an Act amending Articles 1119 and 1121 of the Revised Civil Statutes of Texas, and its caption shows that it is an Act to authorize certain cities and towns to regulate the operation of certain public utilities in such localities. The bill passed the House in regular manner and went to the Senate where it has been amended by striking out all after the enacting clause and inserting an entirely new bill. The new bill, under color of amendment, is a complete substitute for House Bill No. 65, as the same passed the House. The amendment offered, which is the new bill, creates a State Board or Commission for the regulation of utilities in a general State-wide manner. It provides for numerous employees of such State Board, and otherwise operates to create an expensive and elaborate organization to regulate public utilities.

Mr. Tennyson raises the point of order that the Senate amendment violates Section 30 of Article III of the Constitution, and changes the original purpose of House Bill No. 65. Section 30, Article III, of the State Constitution, is as follows:

"Sec. 30. Laws to Be Passed by Bill; Amendments.—No law shall be passed, except by bill, and no bill shall be so amended in its passage through either house, as to change its original purpose."

This section of the Constitution is entirely different from Section 35 of Article III, which is as follows:

"Sec. 35. Bills to Contain But One Subject, Which Must Be Expressed in Title.—No bill (except General Appropriation Bills, which may embrace the various subjects and accounts, for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an Act, which shall not be expressed in the title, such Act shall be void only as to so much thereof, as shall not be so expressed."

The Chair has heretofore consistently ruled that proposed amendments to a bill are not germane, if they seek to change the original purpose of the bill. This ruling has been made on numerous occasions by the present Speaker, and is now adhered to.

Because of the importance of the question as it now arises, it is deemed proper to submit additional reasons to those heretofore stated which sustain this ruling, or interpretation of our Constitution as applied to legislative procedure. We have long had a House Rule relative to this question, found on page 199 of the Manual, and being Section 7 of Rule XX, and which is as follows:

"Sec. 7. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate."

Following Section 7 is an Annotation, which by usage and custom has become a part of our legislative machinery, and which reads as follows:

"The fact that the Rules of the House provide that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, and that the Constitution declares that no bill shall be so amended in its passage through either house as to change its original purpose, narrows the scope of germaneness to such an extent that often many amendments which relate to the general subject of the original proposition, but which so changes the original purpose of the bill or proposition by the elimination of essential parts thereof or by adding new matter on the same subject or by alterations in essential points, are excluded. This necessarily limits and restricts amendments that are ger-

mane to any subject. The fact that there is no protection in the courts against the violation of the constitutional provision which prohibits changing the purposes of bills makes it imperative that a presiding officer, as well as legislator, strictly construe the rule and use due precaution in the consideration of the germaneness of an amendment.

"Whether one proposition is germane to another proposition or not, or whether one amendment is germane to another amendment or not, are questions which arise during a session probably more often than any others. Each case has to be decided on its own merits."

Under the provisions of Section 30 of Article III, supra, and the Rules of the House under which we operate, it is submitted that the point of order should be sustained. The Senate amendment does change the original purpose of House Bill No. 65, and is therefore violative of said Section 30 of Article III.

House Bill No. 65 is, of course, subject to amendment in the Senate, but the amendment offered should be one which is within the scope and purpose of the bill and not one which completely changes its original purpose.

59 C. J., page 554, states the rule thus:

"(b) Constitutional Restrictions.—A constitutional provision that a bill shall not be so altered or amended, in the course of its enactment, as to change its original purpose, is not to be so construed as to prevent the introduction of matter merely extending the purpose or scope of operation of the bill, or limiting the same, or the substitution of a measure or insertion of amendments having the same purpose as the original or germane to and within the scope of the original; and a bill thus limited and extended by the amendments of the two houses in its scope or purpose, or otherwise amended, but embracing no matter not germane to the original purpose or the subject of legislation as expressed in the title of the Act which it purports to amend, may become a valid law. Also, such a restriction should not be so embraced as to prevent the substitution for a bill which is essentially amendatory in character of another related to the same subject and having the same general effect

upon existing laws, although some changes may be proposed by the substitute which would not have resulted from the passage of the original. The 'purpose' contemplated in such a constitutional provision is the general purpose of the bill, and not the mere details through which and by which that purpose is manifested and effectuated. Such a constitutional provision should be given a reasonable construction so as not unnecessarily to embarrass proper legislation. An amendment which is related to, and tends to aid in, the general object of the Act indicated in the title, or made for the purpose of curing the defective expression of a bill and to give effect to its only inferable purpose, or which states or changes the time when the Act shall take effect, does not change the scope or object of the bill or violate the constitutional provision. An amendment which changes the original purpose of the bill is inhibited by the constitutional provision."

The question here presented does not arise under Section 35 of Article III, supra, providing that no bill, except General Appropriation Bills, "shall contain more than one subject, which shall be expressed in its title."

It may be assumed that House Bill No. 65, in its original form and after it is amended by the Senate, are both on the same subject. Subjects may be broad or narrow. A bill might be introduced on a tax subject with a caption broad enough to include a modification of every tax law now on the Statute books, property taxes, occupation taxes, franchise taxes, etc. For example, if the caption should read:

"A bill to be entitled 'An Act to better provide for the support of the State Government and to provide funds for the carrying on of all of its activities by amending'" (then specifying the various statutes to be amended), etc., it might validly propose a change of the entire taxing system of the State as reflected in existing law. The bill would cover but one subject, expressed in its title, that is, a complete revision of the taxing system. It would logically follow that amendments which were germane to the subject would be in order.

But there is a distinction between the subject to which a bill relates and the purpose of the bill in legis-

lating about that subject. The purpose of a bill has reference to the manner in which the subject of the bill is covered. Any bill proposing any tax relates to the general subject, taxation. But that does not mean that where the bill proposes a tax of a special nature, particularly described, its purpose is not changed by including, through amendment, other taxes of an entirely different character.

Illustrating this distinction: Under a caption describing a bill as one "to better protect the public health" by regulating all persons engaged in any manner in the "healing art," all existing laws relating to the public health might be validly amended, including the Medical Practice Act, the Dentistry Act, the Acts regulating pharmacists, nurses, etc. The amendment of all of these Acts would come under the general subject, the better protection of the public health. But suppose an amendment was offered to a bill proposing the licensing of dentists, so as to substitute the general caption above mentioned and make the bill operate as an amendment of all existing public health laws, including the Medical Practice Act, Dentistry law, pharmacy law, etc., would not this change the purpose of the original bill? While it is true that the bill as thus changed would be germane to the general subject stated in the new caption, it would also be true that the purpose of the original bill, limited to the licensing of dentists, had been changed. The two bills, the original and the amended, would relate to the same subject but they would carry out entirely different purposes in respect to that subject.

Illustrating further: A bill is introduced to reorganize the District Courts of Travis County. It is a general bill, though limited in its operation to Travis County. In the course of passage it is amended so as to provide for the reorganization of all the district courts in Texas, including also the Courts of Civil Appeals. The original bill and the amended bill would relate to the same subject—the judicial system of the State—but it is obvious that the purpose of the two bills would be entirely different.

So this question cannot be correctly solved by considering the cases

and rulings made in respect to Section 35.

Here we may properly consider the distinction between the word "object," used in former Constitutions (requiring that the object of the bill be stated in the caption), and the word "subject," used in the present constitutional provision respecting captions. In *Stone vs. Brown*, 54 Texas, 330, 341, the court said:

"The Constitution provides that 'No bill * * * shall contain more than one subject, which shall be expressed in the title.' Const., 1876, Art. III, Sec. 35.

"It may be worthy of note, that in the preceding Constitution the word 'object' was used instead of the word 'subject,' in the above connection. Const., 1845, Art. VII, Sec. 24; Const., 1866, Art. VII, Sec. 24; Const., 1869, Art. XII, Sec. 17.

"It may be presumed that the convention had some reason for substitution of a different word from that which had been so long in use in this connection; and that in the light of judicial expressions, the word 'subject' may have been thus substituted as less restrictive than 'object.'

"In *The People vs. Lawrence*, 36 Barb., 192, the Supreme Court of New York says: 'It must not be overlooked that the Constitution demands that the title of an Act shall express the subject, not the object of the Act. It is the matter to which the statute relates and with which it deals, and not what it proposes to do, which is to be found in the title.'

Here we must presume that the Legislature had some reason for using the word "purpose" in Section 30 instead of the word "subject"—the word used in Section 35, the caption section. This is recognized in the cases, including *Stone vs. Brown*, supra, holding that if the subject is sufficiently stated in the caption it is not required that the caption also show the object or purpose of the bill in dealing with that subject.

If the distinction here pointed out between the word "purpose," as used in Section 30, and the word "subject," as used in Section 35 does not exist, then Section 30 becomes an entirely useless provision of the Constitution. This is true because if the bill covers more than one subject, and thus violates Section 35, the courts will strike it down, for that

section requires not only that the subject be stated in the caption, but also that there be only one subject stated in the caption. So in order to give any operative effect to Section 30, it must be held in mind that the word "purpose" signifies the end or object in view in dealing with the subject. It has a more restricted meaning than has the word "subject."

The Constitution of Colorado contains a provision similar to Section 30. In *Re H. B. 231*, 21 Pacific 472, the Supreme Court of Colorado held void an amendment of a bill which, as originally introduced, provided for the creation of the County of Logan out of territory taken from the County of Weld so as to establish the new County of Montezuma from territory carved out of La Plata County. In other words, the bill, as introduced dealt with two named counties and it was amended so as to make it deal with two other and different counties. The court said:

"We are of the opinion that the amendment proposed changes the original purpose of the bill, and therefore such alteration is inhibited by the constitutional provision mentioned."

Under the same Constitution it was held that where the purpose of a bill as introduced was to license and regulate the business of making small loans at greater rates of interest than 12% per annum, an amendment which changed the original purpose so as to forbid the licensing and regulating of the business of making small loans at interest greater than one per cent per month rendered the statute unconstitutional. *Gronert vs. People (Colo.)*, 37 Pac. (2d), 396.

As illustrating the validity of this proposed amendment, let us consider it in the light of the amendment to Section 5, Article III, adopted by the people on November 4, 1930, wherein the legislative "order of business" is prescribed and is subject to modification only by an affirmative vote of four-fifths of the membership. Under this amended section, bills must be introduced during the first thirty days, which has been changed to forty-five days by present House Rules, and committee work must be done within the next thirty days. But by using the method of amendment here under consideration an evasion of Section 5 of Article III

could be accomplished; the time limits there fixed could be circumvented.

The Constitution of Michigan formerly provided that no new bill should be introduced in either house after the first fifty days of the session had expired. Judge Cooley, in the fifth edition of his work on Constitutional Limitations, has the following to say concerning the method of evading this time limit by amending other bills:

"A practice has sprung up of evading these constitutional provisions by introducing a new bill after the time has expired when it may constitutionally be done, as an amendment to some pending bill, the whole of which, except the enacting clause, is struck out to make way for it. Thus, the member who thinks he may possibly have occasion for the introduction of a new bill after the constitutional period has expired, takes care to introduce sham bills in due season which he can use as stocks to graft upon, and which he uses irrespective of their character or contents. The sham bill is perhaps a bill to incorporate the City of Siam. One of the member's constituents applies to him for legislative permission to construct a dam cross the Wild Cat River. Forthwith, by amendment, the bill entitled a bill to incorporate the City of Siam has all after the enacting clause stricken out, and it is made to provide, as its sole object, that John Doe may construct a dam across the Wild Cat. With this title and in this form it is passed; but the house then considerably amends the title to correspond with the purpose of the bill, and the law is passed, and the Constitution at the same time saved! This trick is so transparent, and so clearly in violation of the Constitution, and the evidence at the same time is so fully spread upon the record, that it is a matter of surprise to find it so often resorted to.

In March, 1822, Congress adopted a rule of procedure reading as follows:

"No motion or proposition, on a subject different from that under consideration, shall be admitted under color of amendment."

This is almost literally the present House Rule, Section 7, Rule XX, *supra*.

Mr. Cushing, in his book entitled "Law and Practice of Legislative

Assemblies" (1866), cites the following congressional precedents under this rule:

"Thus, on a resolution, 'that the Committee on Manufactures be vested with authority to send for persons and papers,' it is not in order to amend by striking out all after the word resolved, and inserting a resolution 'that it is expedient to amend the present existing tariff,' etc. So, on a bill making an appropriation for fortifications and ordinance, it is not in order to amend instructions on committing, by adding thereto a provision relating to the disposition of the proceeds arising from the sale of the public land. So, on a bill further to extend the time for locating original military land warrants and returning surveys thereof, it is not in order to move an amendment that such warrants may be located upon any lands of the United States which may then be subject to private entry. So, where it was moved to recommit a bill relating to judicial salaries with instructions to inquire into the expediency of raising the salaries of district judges, it was held to be inadmissible to amend the instructions so as to inquire into the expediency of equalizing the salaries of the marshals and district attorneys. So, on a resolution for the supply of the members with stationery, it is not in order to ingraft an amendment proposing additional compensation to persons in the employment of the House." (Section 1367.)

Many later illustrations can be found in the Congressional precedents supporting this view.

The proponents of the Senate amendment contend that opinions rendered by the Attorney General's Department support their position. The Chair does not agree. The opinion of Attorney General Allred, under date of April 14, 1931, House Journal, Regular Session, Forty-second Legislature, Volume 2, page 1421, is not in point because the opinion was rendered upon three specific questions, in writing, and these questions did not involve or even suggest the application and construction of Section 30. They were propounded under Sections 33, 34 and 35. The same applies to the opinion of Attorney General Pollard addressed to Hon. Thomas B. Love, Senate Journal, Forty-first Legisla-

ture, First Called Session, page 65. The questions propounded to General Pollard were limited to Sections 33 and 35; that is, first, the question as to whether the amendment was a proper Senate amendment of a revenue measure; and, second, the question as to whether the caption section was violated.

There are no Texas decisions construing Section 30 of Article III. This is because the Texas courts refuse to go behind enrolled bills and consider objections to legislative procedure that can be determined only by examining the journals. *Jackson vs. Walker*, 49 S. W. (2d), 693. But the unwillingness of the courts to look to the journals and determine such objections abates nothing from the mandatory duty of the legislators themselves to see to it that these provisions of the Constitution are respected and enforced. In fact, since the members of the Legislature are vested with exclusive power to enforce these procedural requirements, their duty is the more compelling. With the power goes the responsibility.

Section 30, in the simplest and plainest language, declares that the bill must not be amended in the course of its passage so as to change its original purpose. Here the purpose of the original bill is obvious; that is, House Bill No. 65, as it passed the House, proposed to confer on incorporated cities and towns in Texas, of a population of less than two thousand (2,000) the same authority to regulate the operation of public utilities which cities and towns of more than two thousand (2,000) now possess under the law. The Senate amendment, on the other hand, rather than granting regulatory authority to small cities and towns, deprives cities, large and small, of all their regulatory authority and vests all such power and authority to regulate these same utilities in a State Board. The regulation proposed by such Board or Commission, centralized in Austin, is diametrically opposed to the regulatory purposes contained in House Bill No. 65. The amendment proposes to carry out wholly different purposes from that expressed in House Bill No. 65. It is true the amendment deals with the same subject; that is, the regulation of public utilities, but it radically changes

the purposes of House Bill No. 65 in dealing with that subject. The amendment obviously violates the provisions of Section 30 of Article III, *supra*. This must be true unless the apparently plain language of the section has some hidden and metaphysical meaning.

It has been well said that Constitutions "deal with large subjects and in broad terms," and it is never proper to whittle away by mere construction the comprehensive language contained in constitutional provisions.

Mr. Justice Story in his work on the Constitution, Section 454, has this to say:

"Constitutions are not designed for metaphysical or logical subtleties, for niceties of expression, for critical propriety, for elaborate shades of meaning, or for the exercise of philosophical acuteness or judicial research. They are instruments of a practical nature, founded on the common business of human life, adapted to common wants, designed for common use, and fitted for common understandings. The people make them, the people adopt them, the people must be supposed to read them, with the help of common sense, and cannot be presumed to admit in them any recondite meaning or any extraordinary gloss."

Judge Cooley in his work on Constitutional Limitations, (7 ed.), page 93, says:

"Narrow and technical reasoning is misplaced when it is brought to bear upon an instrument framed by the people themselves, for themselves, and designed as a chart upon which every man, learned and unlearned, may be able to trace the leading principles of government."

Without in any manner being narrow or technical in the construction of the provisions of Section 30, of Article III, *supra*; but adopting the broadest view possible in the interpretation of said constitutional provisions as applied to legislative procedure, it is apparent that the point of order should be sustained, and it is respectfully sustained.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, May 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.
Sir: I am directed by the Senate

to inform the House that the Senate has adopted the conference committee report on Senate Bill No. 388, by the following vote: Yeas, 22; nays, 5.

The Senate has adopted conference committee report on House Bill No. 781, by the following vote: Yeas, 29; nays, 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

TO SUSPEND CERTAIN JOINT RULES

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 67, To suspend certain Joint Rules to consider House Bill No. 486.

Whereas, We are rapidly approaching adjournment of this Regular Session of the Forty-fourth Legislature; and

Whereas, House Bill No. 486, as passed by the House of Representatives, is pending on the Senate calendar; and

Whereas, House Bill No. 486 covers a very grave emergency matter with respect to the completion of the Red Bluff Dam in the Pecos River, the completion of which would restore in excess of five million dollars of taxable property that is now in a state of calamity; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That Joint Rule No. 11 and all other rules with reference to the consideration and passage of the said House Bill No. 486 be, and they are hereby suspended.

The resolution was read second time, and was adopted.

RELATIVE TO HOUSE BILL NO. 71

Mr. Lucas moved to reconsider the vote by which the House, on yesterday, refused to adopt the conference committee report on House Bill No. 71.

Mr. Alsop raised a point of order on further consideration of the motion by Mr. Lucas, on the ground that the motion is in violation of certain provisions of Rule XV of the House Rules, which Rule relates to motions to reconsider.

The Speaker sustained the point of order.

Mr. Dunagan moved that a new conference committee be requested to adjust the differences between the House and Senate on House Bill No. 71.

Mr. Bradbury moved to table the motion by Mr. Dunagan.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—53

| | |
|-------------------|-------------------|
| Adamson | Hodges |
| Adkins | Huddleston |
| Aikin | Jones of Shelby |
| Alsup | Jones of Wise |
| Ash | Keefe |
| Beck | King |
| Bergman | Lanning |
| Bourne | Latham |
| Bradbury | Lindsey |
| Broyles | Luker |
| Calvert | Mauritz |
| Canon | McConnell |
| Craddock | McKinney |
| Crossley | Olsen |
| Daniel | Reed of Bowie |
| Davison of Fisher | Riddle |
| Davisson | Roach of Angelina |
| of Eastland | Roark |
| Fain | Roberts |
| Farmer | Rutta |
| Fisher | Shofner |
| Gibson | Stanfield |
| Glass | Stovall |
| Gray | Wells |
| Hardin | Westfall |
| Harris of Archer | Wood of Harrison |
| Head | Wood of Montague |

Nays—66

| | |
|-------------------|-------------------|
| Alexander | Hanna |
| Atchison | Harris of Dallas |
| Bradford | Hill |
| Burton | Holland |
| Butler of Brazos | Hoskins |
| Butler of Karnes | Hunter |
| Cagle | Hyder |
| Clayton | Jackson |
| Collins | Jefferson |
| Colquitt | Jones of Atascosa |
| Cooper | Jones of Falls |
| Dickison | Lemens |
| Dunagan | Lotief |
| Dunlap of Kleberg | Lucas |
| Duvall | McCalla |
| England | McKee |
| Ford | Moffett |
| Fox | Moore |
| Frazer | Morris |
| Graves | Morse |
| Greathouse | Newton |
| Hankamer | Nicholson |

| | |
|----------------|------------|
| Padgett | Settle |
| Patterson | Smith |
| Payne | Steward |
| Petsch | Stinson |
| Quinn | Tennyson |
| Reed of Dallas | Thornton |
| Roach of Hunt | Waggoner |
| Roane | Walker |
| Rogers | Worley |
| Russell | Young |
| Scarborough | Youngblood |

Present—Not Voting

Hofheinz

Absent

| | |
|----------------|------------------|
| Caldwell | Jones of Runnels |
| Celaya | Lange |
| Colson | Leath |
| Cowley | Leonard |
| Davis | McFarland |
| Dunlap of Hays | Morrison |
| Dwyer | Palmer |
| Fuchs | Pope |
| Good | Reader |
| Herzik | Spears |
| Howard | Tarwater |
| James | Tillery |

Absent—Excused

| | |
|-----------|---------|
| Fitzwater | Knetsch |
| Hartzog | Venable |
| Hunt | |

Mr. McConnell moved a call of the House for the purpose of maintaining a quorum pending consideration of House Bill No. 71, and the call was duly ordered.

Mr. Hofheinz moved the previous question on the pending motion by Mr. Dunagan, and the main question was ordered.

Mr. McConnell moved to reconsider the vote by which the main question was ordered.

The motion to reconsider was lost.

Question recurring on the motion by Mr. Dunagan, it prevailed.

Mr. Alsup moved to reconsider the vote by which the motion by Mr. Dunagan prevailed.

Mr. Harris of Dallas moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows: Yeas, 63; nays, 59.

A verification of the vote was called for.

The roll of the "yeas" and "nays" was then called and the verified vote announced as follows:

Yeas—63

| | |
|------------------|----------------|
| Adamson | Jones of Falls |
| Alexander | Jones of Wise |
| Atchison | Lotief |
| Burton | McCalla |
| Butler of Brazos | McFarland |
| Calvert | McKee |
| Celaya | Moffett |
| Clayton | Moore |
| Collins | Morris |
| Colquitt | Morse |
| Cooper | Nicholson |
| Dickison | Olsen |
| Dunagan | Padgett |
| Duvall | Patterson |
| Dwyer | Petsch |
| England | Quinn |
| Ford | Reader |
| Fox | Reed of Dallas |
| Good | Riddle |
| Graves | Roark |
| Greathouse | Russell |
| Hankamer | Scarborough |
| Hanna | Settle |
| Harris of Dallas | Smith |
| Hill | Steward |
| Hofheinz | Stinson |
| Holland | Thornton |
| Hoskins | Walker |
| Howard | Worley |
| Hyder | Young |
| Jackson | Youngblood |
| Jefferson | |

Nays—58

| | |
|-------------------|------------------|
| Adkins | Huddleston |
| Aikin | Hunter |
| Alsup | James |
| Ash | Jones of Shelby |
| Beck | Keefe |
| Bergman | King |
| Bourne | Lanning |
| Bradbury | Latham |
| Broyles | Lindsey |
| Butler of Karnes | Lucas |
| Cagle | Luker |
| Canon | Mauritz |
| Craddock | McConnell |
| Crossley | McKinney |
| Daniel | Newton |
| Davison of Fisher | Palmer |
| Davisson | Reed of Bowie |
| of Eastland | Rutta |
| Dunlap of Hays | Shofner |
| Fain | Stanfield |
| Farmer | Stovall |
| Fisher | Tarwater |
| Gibson | Tennyson |
| Glass | Tillery |
| Gray | Waggoner |
| Hardin | Wells |
| Harris of Archer | Westfall |
| Head | Wood of Harrison |
| Herzik | Wood of Montague |
| Hodges | |

Absent

| | |
|-------------------|-------------------|
| Bradford | Leath |
| Caldwell | Lemens |
| Colson | Leonard |
| Cowley | Morrison |
| Davis | Payne |
| Dunlap of Kleberg | Pope |
| Frazier | Roach of Angelina |
| Fuchs | Roane |
| Jones of Atascosa | Roberts |
| Jones of Runnels | Rogers |
| Lange | Spears |

Absent—Excused

| | |
|-----------|---------------|
| Fitzwater | Knetsch |
| Hartzog | Roach of Hunt |
| Hunt | Venable |

The Speaker announced that the motion to table prevailed.

HOUSE BILL NO. 223 WITH
SENATE AMENDMENTS

Mr. Reed of Dallas called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 223, A bill to be entitled "An Act levying and imposing license taxes and occupation taxes on coin operated vending machines as defined in the Act, providing for certain exceptions and exemptions, prescribing penalties for violation of acts prohibited hereby and for failure to do and perform acts required to be done and performed under the provisions of this Act, to repeal Chapter 116, Acts of the First Called Session of the Forty-third Legislature, and to provide against counties, cities, and towns imposing any additional occupation tax by virtue of the taxes levied and imposed by this Act; etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Reed of Dallas moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee: Messrs. Reed of Dallas, Morris, James, Hoskins, and Hofheinz.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 71

The Speaker announced the appointment of the following conference committee on House Bill No. 71: Messrs. Dunagan, McCalla, Thornton, Alsop and Bradbury.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT ON SENATE JOINT RESOLUTION NO. 26

Mr. Alexander submitted for consideration, at this time, the conference committee report on Senate Joint Resolution No. 26. The report having been printed in the Journal on yesterday.

Mr. Alexander moved that the report be adopted.

Mr. Morrison moved that the report be not adopted, and that the same conference committee be retained to adjust the differences between the House and Senate on Senate Joint Resolution No. 26.

Question first recurring on the motion by Mr. Morrison, it was lost.

Question—Shall the conference committee report on Senate Joint Resolution No. 26 be adopted?

The House failed to adopt the report (not receiving necessary 100 votes) by the following vote:

Yeas—86

| | |
|-------------------|-------------------|
| Adamson | Greathouse |
| Adkins | Hardin |
| Alexander | Harris of Dallas |
| Alsop | Head |
| Ash | Herzik |
| Atchison | Hill |
| Bradford | Hofheinz |
| Butler of Brazos | Holland |
| Butler of Karnes | Hyder |
| Cagle | Jackson |
| Celaya | James |
| Collins | Jones of Atascosa |
| Cooper | Jones of Falls |
| Cowley | Jones of Wise |
| Craddock | Keefe |
| Crossley | King |
| Daniel | Lange |
| Dickison | Lanning |
| Dunlap of Kleberg | Lucas |
| Dwyer | Luker |
| England | Mauritz |
| Fain | Moffett |
| Fisher | McCalla |
| Ford | McConnell |
| Gibson | McFarland |
| Glass | McKee |

| | |
|-------------------|------------------|
| McKinney | Scarborough |
| Moore | Settle |
| Morse | Shofner |
| Nicholson | Stanfield |
| Padgett | Steward |
| Patterson | Stinson |
| Pope | Stovall |
| Quinn | Tarwater |
| Reed of Bowie | Tennyson |
| Reed of Dallas | Thornton |
| Riddle | Waggoner |
| Roach of Angelina | Walker |
| Roach of Hunt | Wells |
| Roark | Westfall |
| Roberts | Wood of Montague |
| Rogers | Worley |
| Rutta | Youngblood |

Nays—29

| | |
|----------------|------------------|
| Aikin | Good |
| Beck | Hankamer |
| Bergman | Hanna |
| Bourne | Hodges |
| Bradbury | Huddleston |
| Broyles | Hunter |
| Burton | Latham |
| Canon | Lindsey |
| Colquitt | Lotief |
| Davisson | Morris |
| of Eastland | Morrison |
| Dunlap of Hays | Newton |
| Farmer | Olsen |
| Fox | Palmer |
| Frazer | Wood of Harrison |

Absent

| | |
|-------------------|------------------|
| Caldwell | Jones of Runnels |
| Calvert | Jones of Shelby |
| Clayton | Leath |
| Colson | Lemens |
| Davis | Leonard |
| Davison of Fisher | Payne |
| Dunagan | Petsch |
| Duvall | Reader |
| Fuchs | Roane |
| Graves | Russell |
| Gray | Smith |
| Harris of Archer | Spears |
| Hoskins | Tillery |
| Howard | Young |
| Jefferson | |

Absent—Excused

| | |
|-----------|---------|
| Fitzwater | Knetsch |
| Hartzog | Venable |
| Hunt | |

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 407

Mr. Beck called up for consideration, at this time, the conference committee report on House Bill No. 407, which report was printed in the Journal on yesterday.

On motion of Mr. Beck, the report was adopted by the following vote:

Yeas—103

| | |
|---------------------|-------------------|
| Adamson | Hyder |
| Adkins | Jackson |
| Aikin | James |
| Alexander | Jefferson |
| Alsup | Jones of Atascosa |
| Ash | Jones of Falls |
| Atchison | Jones of Shelby |
| Beck | Jones of Wise |
| Bergman | Lange |
| Bourne | Lanning |
| Bradbury | Latham |
| Bradford | Lemens |
| Broyles | Lotief |
| Burton | Lucas |
| Butler of Brazos | Mauritz |
| Butler of Karnes | McConnell |
| Canon | McFarland |
| Collins | Moffett |
| Colquitt | Moore |
| Cooper | Morris |
| Cowley | Morrison |
| Craddock | Morse |
| Crossley | Newton |
| Daniel | Nicholson |
| Davison of Fisher | Olsen |
| Davison of Eastland | Padgett |
| Dickison | Palmer |
| Dunlap of Hays | Pope |
| Duvall | Quinn |
| Dwyer | Reader |
| England | Reed of Bowie |
| Farmer | Reed of Dallas |
| Ford | Roach of Angelina |
| Fox | Roach of Hunt |
| Frazer | Roark |
| Fuchs | Roberts |
| Gibson | Rogers |
| Glass | Rutta |
| Hankamer | Settle |
| Hanna | Shofner |
| Hardin | Stanfield |
| Harris of Archer | Steward |
| Harris of Dallas | Tennyson |
| Head | Thornton |
| Herzik | Tillery |
| Hill | Waggoner |
| Hodges | Walker |
| Hoskins | Westfall |
| Howard | Wood of Harrison |
| Huddleston | Wood of Montague |
| Hunter | Worley |
| | Youngblood |

Nays—8

| | |
|------------|---------|
| Cagle | Luker |
| Fain | McCalla |
| Greathouse | Stovall |
| Lindsey | Wells |

Present—Not Voting

Roane

Absent

| | |
|-------------------|-------------|
| Caldwell | King |
| Calvert | Leath |
| Celaya | Leonard |
| Clayton | McKee |
| Colson | McKinney |
| Davis | Patterson |
| Dunagan | Payne |
| Dunlap of Kleberg | Petach |
| Fisher | Riddle |
| Good | Russell |
| Graves | Scarborough |
| Gray | Smith |
| Hofheinz | Spears |
| Holland | Stinson |
| Jones of Runnels | Tarwater |
| Keefe | Young |

Absent—Excused

| | |
|-----------|---------|
| Fitzwater | Knetsch |
| Hartzog | Venable |
| Hunt | |

CONFERENCE COMMITTEE
REPORT ON HOUSE BILL
NO. 455

Mr. Cooper submitted the following conference committee report on House Bill No. 455:

Committee Room,

Austin, Texas, May 10, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the two houses on House Bill No. 455, beg leave to report that we have adopted the attached substitute bill.

"H. B. No. 455,

A BILL

To Be Entitled

An Act amending Article 6032, Revised Civil Statutes of 1925, as amended by Section 22, Chapter 26, Acts of First Called Session of the Forty-second Legislature; amending Section 11, Chapter 162, Acts of Regular Session, Forty-third Legislature; amending House Bill No. 89 under certain conditions, and amending Chapter 43, House Bill No. 43, Acts of the Second Called Session of the Forty-third Legislature, 1934; appropriating the proceeds of the tax derived under the provisions hereof; authorizing certain departments of State Government to employ such help and to

incur such other expenses as are necessary to enforce the conservation laws of this State relating to oil and gas and the orders of the Railroad Commission promulgated pursuant thereto; amending the appropriation for certain departments of State Government as contained in House Bill No. 167, Chapter 166, Acts of Regular Session, Forty-third Legislature, at pages 497-8; providing for the employment by the Railroad Commission of a suitable person or persons to perform the services set forth in Article 6005, Revised Civil Statutes of 1925; providing if any person whose salary is paid out of the funds herein provided for, uses his time or a State-owned automobile for campaign purposes he shall be discharged and subject to fine and imprisonment; and providing for hearings and appeals; providing that if any portion of this Act be held unconstitutional or invalid for any reason such decision shall not affect the remaining portions, sections or paragraphs of this Act; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 6032, Title 102, Revised Civil Statutes of 1925, as amended by Section 22, Chapter 26, Acts of Forty-second Legislature, First Called Session, is hereby amended so that the same shall hereafter read as follows:

"Article 6032. There is hereby levied a tax of three-sixteenths ($\frac{3}{16}$) of one cent per barrel of forty-two (42) standard gallons of crude petroleum produced within this State, which shall be in addition to and collected in the same manner as the present gross receipts production tax on crude petroleum. Producers of crude petroleum are hereby required to make reports of production in the same manner and under the same penalties as for the gross production tax. The tax thus collected shall be paid into the State Treasury and held in a special fund to be known as the Oil and Gas Enforcement Fund, and shall be paid out in warrants as other funds. The funds derived from this tax shall, so far as hereinafter provided, be used for the administration of the conservation laws of this State relating to oil and gas.

Sec. 2. Section 11, Chapter 162, Acts of Regular Session, Forty-third Legislature, is hereby amended so as to hereafter read as follows:

"Section 11. The provisions made in Chapter 162, Acts of the Regular Session, Forty-third Legislature, providing for the collection of the gross production tax on oil and reports required in connection with the collection of such tax, shall apply to the collection of taxes levied under the provisions of Section 1 of this Act, and if any person, firm or corporation should fail to pay the tax herein provided for, or should fail to make the reports required in such Act or should make erroneous reports as provided in said Act, such person, firm or corporation shall be subject to the fines and penalties as provided in Section 8, Chapter 162, Acts of the Regular Session of the Forty-third Legislature. Provided, however, that if House Bill No. 89, pending in the Senate at the present session of the Legislature, which amends said Chapter 162, Acts of the Regular Session, Forty-third Legislature, becomes a law, then the provisions of said House Bill No. 89, with reference to the collection of the gross production tax on oil and reports required in connection therewith, and in connection with the fines and penalties provided, shall apply to collection of the gross production tax herein imposed."

Sec. 3. That the sum of fourteen thousand three hundred and sixty dollars (\$14,360) collected from the tax provided for by Section 1 of this Act shall be placed in a separate fund within the fund provided for by Section 1 hereof for the use by the Attorney General of Texas in the enforcement of the oil and gas conservation laws of Texas, for the balance of the fiscal year ending August 31, 1935, and the following sums of money be, and the same are hereby, appropriated out of said special fund to cover emergencies and supplementary appropriations for the Attorney General's Department for the balance of the fiscal year ending August 31, 1935, which appropriation shall be available immediately and shall be for the emergencies herein stated and in addition to the appropriations which may have been heretofore made to the Attorney General's Department:

ATTORNEY GENERAL'S DEPARTMENT

| | Year Ending Aug. 31, 1935 |
|---|------------------------------|
| To pay salaries, six (6) Assistants Attorney General, none exceeding \$3,600 per year | \$ 5,400.00 |
| For law enforcement, traveling expenses and contingent fund.... | 3,000.00 |
| To pay salaries, five (5) stenographers, none exceeding \$110 per month | 1,650.00 |
| To pay salaries, three (3) file clerks, none exceeding \$90 per month | 810.00 |
| Books and furniture | 3,500.00 |
| Total..... | \$14,360.00 |

Sec. 4. It is hereby expressly declared to be the intent of the Legislature that salaries and other expenses incurred against the funds appropriated to the Oil and Gas Division of the Railroad Commission of Texas by the General Appropriation Act of the Forty-third and Forty-fourth Legislatures, shall, after the effective date of this Act, be paid out of the funds derived from the tax levied by this article, and none of said appropriations shall ever hereafter be paid out of the General Revenue Fund. In the event that there is an excess derived from the tax over and above the amount of money appropriated to the Oil and Gas Division of the Railroad Commission of Texas, and/or the Attorney General's Department, and/or the Department of Labor Statistics of the State, same shall revert to and be transferred into the General Revenue Fund of the State.

Sec. 5. The Railroad Commission of Texas is hereby authorized and directed, in addition to the number of employes at the salaries and the expenses fixed by the General Appropriation Act of the Regular Session of the Forty-third Legislature for the Oil and Gas Division of said Commission, to expend such sums to employ such gaugers, inspectors, investigators, supervisors and clerical help, including three employes who shall be chief engineer, chief petroleum engineer and administrative chief, who shall be paid a salary not to exceed three thousand seven hundred and fifty dollars (\$3,750) per annum each, and the sum of twenty-eight hundred and twelve dollars and fifty cents (\$2,812.50), or so much thereof as is necessary, is hereby appropriated to pay such salaries out of the Oil and Gas Enforcement Fund hereinbefore established.

Sec. 6. That the sum of thirty-nine thousand nine hundred and forty dollars (\$39,940) collected from the tax provided for in Section 1 of this Act for the use of the Railroad Commission of Texas in the enforcement of the Oil and Gas Conservation Laws of Texas, is hereby appropriated for the support and maintenance of the Railroad Commission of Texas in the enforcement of the Oil and Gas Conservation Laws of Texas to cover emergencies and supplementary appropriations for the Railroad Commission of Texas for the balance of the fiscal year ending August 31, 1935, which appropriation shall be available immediately and shall be for the emergencies herein stated and in addition to the appropriations which may have been heretofore made to the Railroad Commission's Department:

RAILROAD COMMISSION OF TEXAS

| | Year Ending Aug. 31, 1935 |
|---|------------------------------|
| To Pay Salaries—Executive Section: | |
| Director of production, accounting and oil statistics, \$4,000 per year | \$ 1,000.00 |
| Chief clerk and statistician, \$3,000 per year..... | 750.00 |
| Secretary to director, custodian of records and files, \$1,800 per year | 450.00 |
| Statistical clerk, \$1,800 per year | 450.00 |
| Porter, \$600 per year | 150.00 |

Year Ending
Aug. 31, 1935

Statistical Section:

| | |
|---|----------|
| Chief statistician and rate expert, \$3,600 per year..... | 900.00 |
| Junior statisticians, two (2), none exceeding \$2,400 per year..... | 1,200.00 |
| Statistical clerks, three (3), none exceeding \$1,800 per year | 1,350.00 |

Accounting Section:

| | |
|--|----------|
| Chief supervising accountant, \$3,600 per year..... | 900.00 |
| Senior accountants, three (3), none exceeding \$3,000 per year.... | 2,250.00 |
| Junior accountants, five (5), none exceeding \$2,400 per year..... | 3,000.00 |
| Statistical clerks, five (5), none exceeding \$1,800 per year..... | 2,250.00 |

Valuation and Engineering Section:

| | |
|---|----------|
| Chief valuation engineer, \$3,600 per year..... | 900.00 |
| Senior engineers, three (3), none exceeding \$3,000 per year..... | 2,250.00 |
| Junior engineers, four (4), none exceeding \$2,400 per year..... | 2,400.00 |
| Statistical clerk, \$1,800 per year..... | 450.00 |
| Stenographers, three (3), none exceeding \$1,320 per year..... | 990.00 |

General Office Section:

| | |
|--|----------|
| Chief petroleum accountant, \$3,600 per year..... | 900.00 |
| Production accountant, \$3,000 per year..... | 750.00 |
| Pipe line and refinery accountant, \$3,000 per year..... | 750.00 |
| Tender supervisor, \$3,600 per year | 900.00 |
| Senior accountant, \$3,000 per year | 750.00 |
| Junior accountants, four (4), none exceeding \$2,400 per year.... | 2,400.00 |
| Statistical clerks, four (4), none exceeding \$1,800 per year..... | 1,800.00 |
| Stenographers, four (4), none exceeding \$1,320 per year..... | 1,320.00 |

Ten District Field Offices:

| | |
|---|----------|
| Statistical clerks, six (6), none exceeding \$1,800 per year..... | 2,700.00 |
| Stenographers, ten (10), none exceeding \$1,320 per year..... | 3,300.00 |

Common Carrier Oil Pipe Line Rate Section:

| | |
|--|----------|
| Chief examiner, \$3,600 per annum | 900.00 |
| Assistant examiners, two (2), none exceeding \$3,000 per year... | 1,500.00 |
| Stenographer, \$1,320 per year | 330.00 |

Total.....\$39,940.00

Sec. 7. There is hereby appropriated out of the funds accruing from the Oil and Gas Enforcement Fund hereinbefore provided the amount of three thousand one hundred and fifty dollars (\$3,150) for the purpose of paying salaries of Deputy Commissioners of Labor Statistics to enforce labor laws in the oil and gas fields.

The following specific amounts are hereby appropriated for the balance of the fiscal year ending August 31, 1935, which appropriation shall be available immediately and shall be for the emergencies herein stated and in addition to the appropriations which may have been heretofore made to the Labor Statistics Department:

LABOR STATISTICS DEPARTMENT

Year Ending
Aug. 31, 1935

| | |
|--|-------------|
| Deputies, four (4), at \$1,518 per annum | \$ 1,518.00 |
| Stenographers, one (1), at \$1,200 | 300.00 |
| Traveling expenses | 1,000.00 |
| Equipment, stationery, postage, supplies, contingent expense.... | 332.00 |

Total.....\$ 3,150.00

Sec. 8. The amounts appropriated herein to pay salaries to the Railroad Commission, the Attorney General's Department and the Department of Labor Statistics shall not exceed the maximum amounts fixed by this Act, and in no event to exceed the maximum amount fixed for the respective or similar positions by the General Appropriation Bills for said respective departments of the State Government.

Sec. 9. The Commission is hereby expressly authorized and directed to designate some suitable person or persons to perform the services set forth in Article 6005, Title 102, Revised Civil Statutes of 1925, and permit such person or persons so designated to collect from the owner or operator of such wells or the owner of the land compensation for the services so performed and such person or persons so designated shall perform or cause such services to be performed under the rules and regulations of the Commission.

Sec. 10. If any person whose salary is paid out of the funds herein provided for, uses his time or a State owned automobile for campaign purposes, or for the purpose of furthering the candidacy of his employer or any other candidate for State office, he shall be deemed guilty of a misdemeanor and upon conviction be fined not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) and shall be confined in jail for not less than thirty (30) nor more than ninety (90) days, and shall be discharged at once, and shall be rendered ineligible for future employment by any State department. And in event any citizen of this State shall file a civil complaint with any district court in Travis County, Texas, charging any such employe with any such use of his time or State owned automobile, such court shall set such complaint for hearing on some date not more than twenty (20) or less than ten (10) days after the date of the filing of such complaint, and shall cause notice to be served on such employe for at least five (5) days prior to the date of such hearing, and if, upon such hearing, such court shall determine that such employe has used his time and/or a state owned automobile as charged in the complaint, said court shall certify such fact to

the department employing such person and order his immediate discharge. Any person against whom such charges shall have been filed shall have the right of appeal to the Court of Civil Appeals, but the pendency of such appeal shall in no wise suspend his discharge.

Sec. 11. Any surplus remaining in the Oil and Gas Enforcement Fund at the end of each fiscal year shall be transferred into and become a part of the General Revenue Fund of this State.

Sec. 12. If any section, subsection, sentence, clause, or phrase of this Act is held, for any reason, to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, subsection, sentence and clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 13. The fact that the Forty-third Legislature, at its Regular Session, inadvertently failed to appropriate the proceeds of this tax to the enforcement of the Conservation Laws of this State, when the tax was, in fact, originally levied for the enforcement of such laws, and the fact that the Enforcing Department of this State does not have sufficient employes to adequately enforce the conservation laws of this State with reference to oil and gas, creates an emergency and an imperative necessity that the constitutional rule, requiring bills to be read on three several days in each house, be, and the same is hereby, suspended, and this Act shall take effect and be in force from and after the first day of June, A. D. 1935, and it is so enacted.

Respectfully submitted,

SMALL,
STONE,
REDDITT,
HILL,
SHIVERS,

On the part of the Senate;

COOPER,
STEWART,
FRAZER,
LATHAM,
WALKER,

On the part of the House.

On motion of Mr. Cooper, the report was adopted by the following vote:

Yeas—117

| | |
|-------------------|-------------------|
| Adamson | Jones of Shelby |
| Adkins | Jones of Wise |
| Aikin | King |
| Alsup | Lanning |
| Ash | Latham |
| Atchison | Lindsey |
| Beck | Lotief |
| Bourne | Lucas |
| Bradford | Luker |
| Broyles | Mauritz |
| Burton | McCalla |
| Butler of Brazos | McConnell |
| Butler of Karnes | McFarland |
| Canon | McKinney |
| Collins | Moffett |
| Colquitt | Moore |
| Cooper | Morris |
| Cowley | Morrison |
| Craddock | Morse |
| Davison of Fisher | Newton |
| Davissou | Nicholson |
| of Eastland | Olsen |
| Dickison | Padgett |
| Dunagan | Palmer |
| Dunlap of Hays | Patterson |
| Duvall | Payne |
| England | Pope |
| Fain | Quinn |
| Farmer | Reader |
| Fisher | Reed of Bowie |
| Ford | Reed of Dallas |
| Fox | Riddle |
| Frazer | Roach of Angelina |
| Fuchs | Roach of Hunt |
| Gibson | Roane |
| Glass | Roark |
| Good | Roberts |
| Gray | Rogers |
| Greathouse | Russell |
| Hankamer | Rutta |
| Hanna | Scarborough |
| Hardin | Settle |
| Harris of Archer | Shofner |
| Harris of Dallas | Stanfield |
| Head | Steward |
| Herzik | Stinson |
| Hill | Stovall |
| Hodges | Tarwater |
| Hofheinz | Tennyson |
| Holland | Thornton |
| Hoskins | Tillery |
| Howard | Waggoner |
| Huddleston | Walker |
| Hunter | Wells |
| Hyder | Westfall |
| Jackson | Wood of Harrison |
| James | Wood of Montague |
| Jones of Atascosa | Worley |
| Jones of Falls | Youngblood |

Nays—2

Cagle Crossley

Present—Not Voting

Bradbury

Absent

| | |
|-------------------|------------------|
| Alexander | Jefferson |
| Bergman | Jones of Runnels |
| Caldwell | Keefe |
| Calvert | Lange |
| Celaya | Leath |
| Clayton | Lemens |
| Colson | Leonard |
| Daniel | McKee |
| Davis | Petsch |
| Dunlap of Kleberg | Smith |
| Dwyer | Spears |
| Graves | Young |

Absent—Excused

| | |
|-----------|---------|
| Fitzwater | Knetsch |
| Hartzog | Venable |
| Hunt | |

Mr. Cooper moved to reconsider the vote by which the report was adopted, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 223. The following has been appointed on the part of the Senate: Senators Regan, Westerfeld, Rawlings, Poage, and DeBerry.

The Senate has adopted the conference committee report on House Bill No. 581 by the following vote: Yeas, 21; nays, 8.

The Senate has adopted the conference committee report on House Bill No. 455 by the following vote: Yeas, 29; nays, 0.

The Senate has adopted

S. C. R. No. 69, Suspending Joint Rules Nos. 11, 23, 24, and 32 and all other necessary rules in order to take up and dispose of House Bills Nos. 595 and 807.

S. C. R. No. 68, Suspending all Joint Rules and separate Rules of House and Senate to take up and dispose of Senate Bill No. 395.

H. C. R. No. 166, Suspending Joint Rules Nos. 11, 22, 23, 24, and 32 in order to take up and dispose of House Bill No. 971.

H. C. R. No. 101, Granting Jos. V. Frnka permission to bring suit against the State.

The Senate has failed to adopt

H. C. R. No. 160, To suspend certain Joint Rules in order to consider House Bills Nos. 179, 171, and 994.

H. C. R. No. 168, Suspending Joint Rules to take up House Bill No. 176.

The Senate has adopted the conference committee report on House Bill No. 601 by the following vote: Yeas, 23; nays, 4.

The Senate has concurred in House amendments to Senate Bill No. 238 by the following vote: Yeas, 27; nays, 0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 674

Mr. Adamson submitted, for consideration at this time, the following conference committee report on House Bill No. 674:

Committee Room,
Austin, Texas, May 10, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the House and the Senate on House Bill No. 674, have had same under consideration and beg to report that we can not agree and ask that the committee be discharged, and request that a new conference committee be appointed.

Respectfully submitted,
VAN ZANDT,
PACE,
HOPKINS,
BECK,
POAGE,

On the part of the Senate;

ADAMSON,
LOTIEF,
JONES of Wise,
WAGGONER,

On the part of the House.

On motion of Mr. Adamson, the report was adopted.

Mr. Davison of Fisher moved that the new conferees be instructed to agree in the report to an appropriation of not to exceed \$50,000.

Mr. Adamson moved to table the motion of Mr. Davison of Fisher.

The motion to table was lost.

Question then recurring on the motion by Mr. Davison of Fisher, it prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee on House Bill No. 674: Messrs. Adamson, Waggoner, Lotief, Collins, and Gray.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 327

Mr. Russell submitted, for consideration at this time, the conference committee report on House Bill No. 327. The report having been printed in the Journal on yesterday.

Mr. Russell moved that the report be adopted.

Mr. Lindsey raised the following point of order:

"I raise the point of order on House Bill No. 327 that the same is unconstitutional because it violates Section 3, Article VII of the Constitution in that the bill levies a tax upon the people greater than the 35 cent limitation as clearly set out in the Constitution, which says that an ad valorem tax of such an amount should not exceed 35 cents on the \$100 valuation.

"This bill is discriminatory in that the bill provides that the amount appropriated shall be distributed to some schools and that other schools shall receive none.

"Further, by this bill, the Legislature is doing indirectly that which it is forbidden to do directly."

The Speaker stated that he was without authority to sustain the point of order, inasmuch as the bill is before the House as a conference committee report.

Mr. Good moved that the report be not adopted, and that a new conference committee be requested to adjust the differences between the House and Senate on House Bill No. 327.

Question recurring on the motion by Mr. Good, it was lost.

The conference committee report on House Bill No. 327 was then adopted by the following vote:

Yeas—119

| | |
|-------------------|-------------------|
| Adkins | Jones of Atascosa |
| Aikin | Jones of Falls |
| Alexander | Jones of Shelby |
| Alsup | Jones of Wise |
| Atchison | Keefe |
| Beck | King |
| Bergman | Lanning |
| Bourne | Latham |
| Bradbury | Lemens |
| Bradford | Lotief |
| Broyles | Lucas |
| Burton | Luker |
| Butler of Brazos | Mauritz |
| Butler of Karnes | McCalla |
| Cagle | McConnell |
| Calvert | McFarland |
| Canon | McKee |
| Collins | McKinney |
| Colquitt | Moffett |
| Colson | Moore |
| Cooper | Morris |
| Cowley | Morrison |
| Craddock | Morse |
| Crossley | Newton |
| Daniel | Nicholson |
| Davis | Olsen |
| Davisson | Palmer |
| of Eastland | Patterson |
| Dickison | Payne |
| Dunagan | Pope |
| Dunlap of Hays | Quinn |
| Dunlap of Kleberg | Reed of Bowie |
| Dwyer | Reed of Dallas |
| England | Riddle |
| Fain | Roach of Angelina |
| Fisher | Roach of Hunt |
| Ford | Roane |
| Fox | Roark |
| Frazer | Roberts |
| Gibson | Rogers |
| Glass | Russell |
| Good | Rutta |
| Gray | Settle |
| Greathouse | Shofner |
| Hankamer | Smith |
| Hanna | Stanfield |
| Hardin | Steward |
| Harris of Archer | Stinson |
| Harris of Dallas | Stovall |
| Hartzog | Tarwater |
| Head | Tennyson |
| Hodges | Thornton |
| Hofheinz | Tillery |
| Holland | Walker |
| Hoskins | Wells |
| Huddleston | Westfall |
| Hyder | Wood of Harrison |
| Jackson | Wood of Montague |
| James | Worley |
| Jefferson | Youngblood |

Nays—2

| | |
|--------|---------|
| Farmer | Lindsey |
|--------|---------|

Absent

| | |
|-------------------|------------------|
| Adamson | Hunter |
| Ash | Jones of Runnels |
| Caldwell | Lange |
| Celaya | Leath |
| Clayton | Leonard |
| Davison of Fisher | Padgett |
| Duvall | Petsch |
| Fuchs | Reader |
| Graves | Scarborough |
| Herzik | Spears |
| Hill | Waggoner |
| Howard | Young |

Absent—Excused

| | |
|-----------|---------|
| Fitzwater | Knetsch |
| Hunt | Venable |

TO SUSPEND CERTAIN JOINT RULES

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 69, To suspend certain Joint Rules to consider House Bills Nos. 595 and 807.

Whereas, We are rapidly approaching adjournment of this Regular Session of the Forty-fourth Legislature; and

Whereas, House Bills Nos. 595 and 807, as passed by the House of Representatives, are pending on the Senate calendar; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That Joint Rules Nos. 11, 22, 23, 24, and 32, and all other Rules with reference to the consideration and passage of the said House Bills Nos. 595 and 807 be, and they are hereby, suspended.

The resolution was read second time, and was adopted.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 60

Mr. McKee offered the following resolution:

H. C. R. No. 175, Authorizing certain correction in House Bill No. 60.

Whereas, House Bill No. 60 was passed in the House by a vote of 112 yeas and 1 nay, and sent to the Senate; and

Whereas, Said House Bill No. 60 was amended in the Senate by an amendment which reads as follows:

"Amend House Bill No. 60 by striking out the words and figures 'seven thousand five hundred (7,500),' and insert in lieu thereof the words and figures 'five thousand';" and

Whereas, Said amendment was intended to refer specifically to Subsection (e) of Section 3, as shown on page 3 of said House Bill No. 60; therefore, be it

Resolved by the House of the State of Texas, the Senate concurring, That the Engrossing and Enrolling Clerks are hereby instructed to change the words and figures seven thousand five hundred (7,500) in Subsection (e) of Section 3 to read "five thousand (5,000)"; and be it further

Resolved, That it was not the intention of the House or the Senate that any other sections or subsections be affected by the aforesaid amendment.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 971 ON SECOND READING

(By Unanimous Consent)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 971, A bill to be entitled "An Act defining certain words, terms and phrases as used in the Act; conferring the right of eminent domain on all agencies, bodies and corporations engaged in public works projects; etc., and declaring an emergency."

The bill was read second time.

Mr. Jones of Wise offered the following amendment to the bill:

Amend House Bill No. 971 by striking out the words inclosed in parenthesis in the eleventh and twelfth lines, Section 2, page 2, and inserting in lieu thereof the following:

"Except property already dedicated to a public use, including lands held or used for cemetery purposes."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 971 was then passed to engrossment.

HOUSE BILL NO. 971 ON THIRD READING

Mr. Jones of Wise moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 971 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104

| | |
|-------------------|-------------------|
| Adamson | Jones of Wise |
| Aikin | Keefe |
| Alexander | King |
| Alsup | Lange |
| Atchison | Lanning |
| Bergman | Latham |
| Bourne | Lemens |
| Bradbury | Lindsey |
| Bradford | Lotief |
| Broyles | Lucas |
| Burton | Mauritz |
| Butler of Karnes | McCalla |
| Cagle | McConnell |
| Canon | McKee |
| Collins | McKinney |
| Colquitt | Moffett |
| Colson | Moore |
| Craddock | Morris |
| Crossley | Morrison |
| Davis | Morse |
| Davisson | Newton |
| of Eastland | Nicholson |
| Dickison | Olsen |
| Dunagan | Padgett |
| Dunlap of Hays | Palmer |
| England | Patterson |
| Fain | Payne |
| Farmer | Reed of Bowie |
| Fisher | Reed of Dallas |
| Fox | Riddle |
| Frazer | Roach of Angelina |
| Gibson | Roach of Hunt |
| Glass | Roark |
| Good | Roberts |
| Greathouse | Rogers |
| Hanna | Russell |
| Hardin | Rutta |
| Harris of Archer | Settle |
| Head | Shofner |
| Hodges | Smith |
| Hofheinz | Stanfield |
| Holland | Stinson |
| Hoskins | Stovall |
| Howard | Tarwater |
| Huddleston | Tennyson |
| Hunter | Tillery |
| Hyder | Walker |
| Jackson | Wells |
| James | Westfall |
| Jefferson | Wood of Harrison |
| Jones of Atascosa | Wood of Montague |
| Jones of Falls | Youngblood |
| Jones of Shelby | |

Nays—1

Roane

Absent

| | |
|-------------------|------------------|
| Adkins | Harris of Dallas |
| Ash | Herzik |
| Beck | Hill |
| Butler of Brazos | Jones of Runnels |
| Caldwell | Leath |
| Calvert | Leonard |
| Celaya | Luker |
| Clayton | McFarland |
| Cooper | Petsch |
| Cowley | Pope |
| Daniel | Quinn |
| Davison of Fisher | Reader |
| Dunlap of Kleberg | Scarborough |
| Duvall | Spears |
| Dwyer | Steward |
| Ford | Thornton |
| Fuchs | Waggoner |
| Graves | Worley |
| Gray | Young |

Hankamer

Absent—Excused

| | |
|-----------|---------|
| Fitzwater | Knetsch |
| Hartzog | Venable |

Hunt

The Speaker then laid House Bill No. 971 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—101

| | |
|-------------------|-------------------|
| Adamson | Fisher |
| Adkins | Fox |
| Alexander | Frazer |
| Alsup | Gibson |
| Atchison | Glass |
| Bourne | Good |
| Bradbury | Gray |
| Bradford | Hanna |
| Broyles | Harris of Archer |
| Burton | Head |
| Butler of Karnes | Hodges |
| Cagle | Hofheinz |
| Canon | Holland |
| Collins | Hoskins |
| Colquitt | Howard |
| Colson | Huddleston |
| Craddock | Jackson |
| Crossley | James |
| Davis | Jones of Atascosa |
| Davisson | Jones of Falls |
| of Eastland | Jones of Shelby |
| Dickison | Jones of Wise |
| Dunagan | Keefe |
| Dunlap of Hays | King |
| Dunlap of Kleberg | Lanning |
| England | Latham |
| Fain | Lemens |
| Farmer | Lotief |

| | |
|-------------------|------------------|
| Lucas | Roark |
| Mauritz | Roberts |
| McConnell | Rogers |
| McKee | Russell |
| McKinney | Rutta |
| Moffett | Settle |
| Moore | Shofner |
| Morris | Smith |
| Morrison | Stanfield |
| Morse | Stinson |
| Newton | Stovall |
| Nicholson | Tarwater |
| Olsen | Tennyson |
| Padgett | Tillery |
| Palmer | Waggoner |
| Patterson | Walker |
| Payne | Wells |
| Pope | Westfall |
| Reed of Bowie | Wood of Harrison |
| Reed of Dallas | Wood of Montague |
| Roach of Angelina | Worley |
| Roach of Hunt | Youngblood |

Nays—11

| | |
|------------|---------|
| Aikin | Hyder |
| Greathouse | Lindsey |
| Hankamer | McCalla |
| Hardin | Riddle |
| Hill | Roane |

Hunter

Absent

| | |
|-------------------|------------------|
| Ash | Harris of Dallas |
| Beck | Herzik |
| Bergman | Jefferson |
| Butler of Brazos | Jones of Runnels |
| Caldwell | Lange |
| Calvert | Leath |
| Celaya | Leonard |
| Clayton | Luker |
| Cooper | McFarland |
| Cowley | Petsch |
| Daniel | Quinn |
| Davison of Fisher | Reader |
| Duvall | Scarborough |
| Dwyer | Spears |
| Ford | Steward |
| Fuchs | Thornton |
| Graves | Young |

Absent—Excused

| | |
|-----------|---------|
| Fitzwater | Knetsch |
| Hartzog | Venable |

Hunt

HOUSE BILL NO. 89 WITH
SENATE AMENDMENTS

Mr. Wells called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 89, A bill to be entitled "An Act amending Subsections (2) and (4) of Section 1; repealing Subsection (3) of Section 2; amending Subsection (2) of Section 2; amend-

ing Section 3; amending Section 5; and amending Sections 8 and 9, of House Bill No. 154, Chapter 162, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 12, House Bill No. 55, Acts of the First Called Session of the Forty-third Legislature, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Wells, the House concurred in the Senate amendments by the following vote:

Yeas—101

| | |
|-------------------|-------------------|
| Adamson | Hunter |
| Adkins | Hyder |
| Aikin | Jackson |
| Alexander | James |
| Alsup | Jefferson |
| Atchison | Jones of Atascosa |
| Bourne | Jones of Falls |
| Bradbury | Jones of Shelby |
| Broyles | Jones of Wise |
| Burton | Lanning |
| Butler of Karnes | Latham |
| Cagle | Lemens |
| Canon | Lindsey |
| Collins | Lotief |
| Colquitt | Lucas |
| Colson | Mauritz |
| Craddock | McCalla |
| Crossley | McConnell |
| Davis | McKee |
| Davisson | Moffett |
| of Eastland | Moore |
| Dickison | Morris |
| Dunagan | Morrison |
| Dunlap of Hays | Morse |
| Dunlap of Kleberg | Newton |
| England | Nicholson |
| Fain | Olsen |
| Farmer | Padgett |
| Fisher | Palmer |
| Fox | Patterson |
| Frazer | Quinn |
| Fuchs | Reed of Bowie |
| Gibson | Reed of Dallas |
| Glass | Roach of Angelina |
| Good | Roach of Hunt |
| Gray | Roark |
| Greathouse | Roberts |
| Hanna | Rogers |
| Hardin | Russell |
| Harris of Archer | Rutta |
| Head | Settle |
| Hill | Shofner |
| Hodges | Smith |
| Hofheinz | Stanfield |
| Holland | Stinson |
| Hoskins | Stovall |
| Howard | Tennyson |
| Huddleston | Waggoner |

Walker
Wells
Westfall

Wood of Harrison
Worley
Youngblood

Nays—2

Riddle

Roane

Absent

| | |
|-------------------|------------------|
| Ash | Keefe |
| Beck | King |
| Bergman | Lange |
| Bradford | Leath |
| Butler of Brazos | Leonard |
| Caldwell | Luker |
| Calvert | McFarland |
| Celaya | McKinney |
| Clayton | Payne |
| Cooper | Petsch |
| Cowley | Pope |
| Daniel | Reader |
| Davison of Fisher | Scarborough |
| Duvall | Spears |
| Dwyer | Steward |
| Ford | Tarwater |
| Graves | Thornton |
| Hankamer | Tillery |
| Harris of Dallas | Wood of Montague |
| Herzik | Young |
| Jones of Runnels | |

Absent—Excused

| | |
|-----------|---------|
| Fitzwater | Knetsch |
| Hartzog | Venable |
| Hunt | |

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 601

Mr. Greathouse submitted for consideration, at this time, the following conference committee report on House Bill No. 601:

Committee Room,

Austin, Texas, May 10, 1935.

Hon. Walter F. Woodul, President of the Senate, and Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, to whom was referred House Bill No. 601, have had the same under consideration, and we recommend to the House of Representatives and to the Senate that said bill pass in the form attached hereto:

"H. B. No. 601,

A BILL

To Be Entitled

An Act making it unlawful for any person, firm, association or corporation to pack for sale, sell or offer

for sale wheat flour or other cereal flour and corn meal, except such cereals sold as grits, only in standardized packages; providing for the size and net weight of said packages; providing for the net weight, name of manufacturer and the name of the place where milled to be printed on the outside of each package and making it unlawful for wheat flour, other cereal flour and corn meal to be packed for sale, offered for sale or sold within this State unless it shall be so labelled; providing for exceptions to this Act as direct sales from bulk stock to the consumer, direct sales to bakeries for use in such bakeries, as the exchange of flour or meal for wheat or corn, and such prepared products of wheat or corn selling in less than five (5) pound lots; providing for the violation of this Act to be a misdemeanor and fixing the penalty for such violation; providing for the repeal of all laws or parts of laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the standard measure of wheat flour and other cereal flour, except such cereals sold as grits, shall be packages containing net avoirdupois weights of three, six, twelve, twenty-four, forty-eight, ninety-eight, one hundred and forty, and one hundred and ninety-six pounds; that the standard measure of corn meal shall be packages containing net avoirdupois weights of one and one-half, two, five, ten, twenty, twenty-five, fifty, and one hundred pounds.

Sec. 2. That it shall be unlawful for any person, firm, association, or corporation to pack for sale, sell or offer for sale in the State of Texas any wheat flour, other cereal flour and corn meal except in packages (including barrels, sacks, bags, cartons and other containers) of the above standard net weights.

Sec. 3. That each package of wheat flour, other cereal flour and corn meal shall have the net weight, name of manufacturer (meaning the person, firm, association, or corporation which processes the wheat or other cereal into flour, or which processes the corn into meal) and the name of the place where milled printed or

plainly marked on it in letters and figures clearly readable; and that it shall be unlawful for wheat flour, other cereal flour or corn meal, to be packed for sale, offered for sale or sold within the State of Texas unless it shall be so labelled.

Sec. 4. That the provisions of this Act shall not apply to the retailing of wheat flour, other cereal flour or corn meal direct to the consumer from bulk stock, nor to sales of flour to bakeries for use in such bakeries, nor to the exchange of flour or meal for wheat or corn by grist mills and other mills grinding for toll for producers; and that nothing herein contained shall be held to apply to any product such as prepared pancake flour, cake flour or other specialty packed and distributed in identified original package, the net contents of which are five (5) pounds or less.

Sec. 5. That any violation of this Act shall be a misdemeanor, and upon conviction the offender shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense.

Sec. 6. All laws and parts of laws in conflict herewith are hereby specifically repealed.

Sec. 7. The fact that wheat flour, cereal flour, and corn meal are being sold in this State in other than standard net weights; and the fact that wheat flour, cereal flour, and corn meal are being sold in this State in containers not properly labelled; and the further fact of the crowded condition of the calendar create an emergency and an imperative public necessity that the constitutional rule, requiring all bills to be read on three several days in each house, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

WESTERFELD,
SANDERFORD,
RAWLINGS,
HOPKINS,

On the part of the Senate;

GREATHOUSE,
LANGE,
HARRIS of Dallas,
HANNA,
DWYER,

On the part of the House.

On motion of Mr. Greathouse, the report was adopted by the following vote:

Yeas—109

| | |
|-------------------|-------------------|
| Adamson | Jones of Falls |
| Adkins | Jones of Shelby |
| Aikin | Jones of Wise |
| Alexander | Keefe |
| Alsup | King |
| Atchison | Lanning |
| Bourne | Latham |
| Bradbury | Lemens |
| Bradford | Lindsey |
| Broyles | Lotief |
| Burton | Lucas |
| Butler of Karnes | Mauritz |
| Cagle | McCalla |
| Canon | McConnell |
| Collins | McKinney |
| Colquitt | Moffett |
| Colson | Moore |
| Craddock | Morris |
| Crossley | Morrison |
| Davison of Fisher | Morse |
| Davison | Newton |
| of Eastland | Nicholson |
| Dickison | Olsen |
| Dunagan | Padgett |
| Dunlap of Hays | Palmer |
| Dunlap of Kleberg | Patterson |
| Duvall | Payne |
| England | Pope |
| Fain | Quinn |
| Farmer | Reed of Bowie |
| Fisher | Reed of Dallas |
| Fox | Riddle |
| Frazer | Roach of Angelina |
| Fuchs | Roach of Hunt |
| Gibson | Roane |
| Glass | Roark |
| Good | Roberts |
| Gray | Rogers |
| Greathouse | Russell |
| Hanna | Rutta |
| Hardin | Settle |
| Harris of Archer | Shofner |
| Head | Smith |
| Hill | Stanfield |
| Hodges | Stinson |
| Hofheinz | Stovall |
| Holland | Tarwater |
| Hoskins | Tillery |
| Howard | Waggoner |
| Huddleston | Walker |
| Hunter | Wells |
| Hyder | Westfall |
| James | Wood of Harrison |
| Jefferson | Worley |
| Jones of Atascosa | Youngblood |

Absent

| | |
|------------------|----------|
| Ash | Caldwell |
| Beck | Calvert |
| Bergman | Celaya |
| Butler of Brazos | Clayton |

| | |
|------------------|------------------|
| Cooper | Leonard |
| Cowley | Luker |
| Daniel | McFarland |
| Davis | McKee |
| Dwyer | Petsch |
| Ford | Reader |
| Graves | Scarborough |
| Hankamer | Spears |
| Harris of Dallas | Steward |
| Herzik | Tennyson |
| Jackson | Thornton |
| Jones of Runnels | Wood of Montague |
| Lange | Young |
| Leath | |

Absent—Excused

| | |
|-----------|---------|
| Fitzwater | Knetsch |
| Hartzog | Venable |
| Hunt | |

BILLS AND RESOLUTIONS
SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 408, "An Act fixing the compensation of county commissioners in every county having a population of not less than fifteen thousand nine hundred and seventy-five (15,975) nor more than sixteen thousand and twenty-five (16,025) inhabitants, according to the last preceding United States Census, and providing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values in said counties shall exceed the sum of four million one hundred thousand dollars (\$4,100,000) for the next preceding year; providing that all laws or parts of laws in conflict with this Act are hereby expressly repealed, and declaring an emergency."

H. B. No. 891, "An Act authorizing the appointment of assistant county attorneys in counties containing a population of more than forty thousand (40,000) and less than seventy-five thousand (75,000), and containing a city of more than thirty-five thousand (35,000), such assistants to be compensated by the county, and providing for the compensation of such assistants, and the means, method and manner of paying the same, and declaring an emergency."

H. B. No. 712, "An Act declaring two-year closed season on wild fox in certain counties; providing for the

enforcement of this Act, and declaring an emergency."

H. B. No. 670, "An Act amending Article 3902 of the Revised Civil Statutes of 1925, as amended by Chapter 214, Acts of the Regular Session of the Forty-second Legislature, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, by adding a new section providing that in all counties having a population of less than twenty-five thousand (25,000) inhabitants, according to the last preceding Federal Census, and having an assessed valuation of taxable property in excess of seventy-five million dollars (\$75,000,000), according to the last preceding tax roll approved as provided by law, and having two or more judicial district courts, the county commissioners court may allow the district clerk at least two deputies to wait on said courts, etc., and declaring an emergency."

H. B. No. 417, "An Act making appropriations to pay salaries to judges, and for the support and maintenance of the judicial department of the State Government for the two (2) year period beginning September 1, 1935, and ending August 31, 1937; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury, and that certain fees be retained by said clerks or officers as additional compensation for their services, etc., and declaring an emergency."

H. B. No. 278, "An Act ratifying and confirming a compact entered into by and between representatives of the State of Texas and the State of New Mexico, authorized by Act of the Regular Session of the Forty-second Legislature, and approved by the Governor on May 27, 1931, as shown in Chapter 251, Acts of the Forty-second Legislature, and declaring an emergency."

H. B. No. 666, "An Act making applicable and available to school districts and municipal corporations which have power to levy and/or collect their own taxes all of the provisions of Title 122 of the Revised Civil Statutes of Texas, 1925, pertaining to the manner of assessment and collection of taxes and enforcement of collection of delinquent taxes, together with all liens, rights, and remedies therein given to the State

and county, and declaring an emergency."

H. B. No. 945, "An Act granting to John W. Goodrum of Guadalupe County, Texas, the right or permission to bring suit against the State of Texas and the State Highway Department in the District Court of Travis County, Texas, and declaring an emergency."

H. B. No. 967, "An Act to repeal House Bill No. 557, Acts of the Regular Session of the Forty-third Legislature, which provides for a closed season on quail in Archer County, for a period of three years, and prescribing a penalty for violation thereof, and declaring an emergency."

H. B. No. 188, "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 2 in the County of Johnson; to place such indebtedness on a parity with bonds, warrants, and other evidence of indebtedness heretofore authorized to be paid out of the 'county and district road highway fund,' etc., and declaring an emergency."

H. B. No. 978, "An Act authorizing the creation and incorporation of wind erosion conservation districts coextensive with the area of any county in this State; prescribing the methods for the creation of same, and designating the powers and duties of such districts; prescribing that the county judge and commissioners court shall constitute the governing body and that the county treasurer and county clerk shall be the treasurer and clerk of such districts; etc., and declaring an emergency."

S. B. No. 504, "An Act providing for a rural school supervisor, prescribing qualifications and duties of said rural school supervisor, providing for the payment of the salary of said rural school supervisor in counties having a population of 21,830 to 22,080, according to the Federal Census of 1930, and a scholastic population of not less than 6,200, as shown by the scholastic census report, etc."

S. B. No. 429, "An Act granting permission to Mrs. Dora Martin et al. to sue the State."

S. B. No. 532, "An Act creating the Palo Duro Canyon State Park Board; etc., and declaring an emergency."

S. B. No. 529, "An Act creating the County Court at Law of Travis County, Texas; defining the jurisdiction of said court; regulating practice therein; prescribing the terms of said court; providing for clerk and seal for said court and prescribing the duties of the sheriff and county attorney in relation to said court, limiting the jurisdiction of the County Court of Travis County, and providing for the transfer of cases pending in the County Court of Travis County to the said court hereby created, and for appeals from inferior courts to the court hereby created, and for appeals from said court; creating the office of judge of the County Court at Law of Travis County, and declaring an emergency."

S. B. No. 528, "An Act providing for an additional Assistant District Attorney for the Fifty-third Judicial District of Texas, prescribing his qualifications, who shall be authorized to perform any official act devolving upon or authorized to be performed by the district attorney of such district, requiring him to take the oath of office, and who shall hold office subject to the will of the district attorney, making an appropriation for his salary for the ensuing biennium, and declaring an emergency."

S. B. No. 328, "An Act amending Section 19 of House Bill No. 122, Chapter 116, Acts of the Regular Session, Forty-third Legislature, and declaring an emergency."

S. B. No. 52, "An Act amending Article 590 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

S. B. No. 227, "An Act creating a State Conservation Board, providing for its duties, fixing the membership thereof, providing for its organization, conferring on it authority to adopt rules and regulations governing its organization and the conduct of its business, providing its authority, etc."

S. B. No. 319, "An Act granting Dr. N. T. Anders and wife permission to sue the State of Texas."

S. B. No. 181, "An Act to increase the powers and duties of the State Board of Embalming so as to prescribe and maintain a standard of proficiency as to the qualifications of those engaged, and who may engage,

in the practice of funeral directing in connection with the care and disposition of dead human bodies by providing that said State Board of Embalming shall adopt rules, regulations and by-laws for the examination and licensing of funeral directors and the practice of funeral direction; and for the renewal and revocation by said State Board of Embalming of said licenses; and providing for fees and the disposition therefor and defining a funeral director; repealing all laws in conflict and prescribing a penalty, containing a savings clause, and declaring an emergency."

S. B. No. 526, "An Act transferring the use and possession of 16.66 acres of land out of the George W. Spear Headright League adjoining Camp Mabry, in Travis County, Texas, title to which is now in the State of Texas, authorizing the Highway Department to pay to the Adjutant General's Department the sum of thirty-two hundred dollars (\$3,200), making an appropriation to the Adjutant General's Department of such sum so received, and authorizing the Adjutant General's Department to purchase for the State of Texas a suitable right of way and entrance to Camp Mabry, and declaring an emergency."

S. C. R. No. 57, Granting Herbert McLennan permission to sue the State.

S. C. R. No. 66, Suspending certain Joint Rules.

S. C. R. No. 65, Suspending certain Joint Rules to consider Senate Bill No. 395.

S. C. R. No. 64, Suspending certain Joint Rules to consider Senate Bill No. 533 and House Bill No. 1001.

S. C. R. No. 47, Granting Em Wilson and wife permission to sue the State.

S. C. R. No. 62, Suspending certain Joint Rules to consider House Bill No. 107.

REPORT OF THE COMMITTEE IN REGARD TO INVESTIGATING STATE DEPARTMENTS

Mr. Calvert submitted the following report of the committee heretofore appointed to investigate affairs of the various departments of State Government:

Committee Room,
Austin, Texas, May 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives, Aus-
tin, Texas.

Sir: Your committee appointed pur-
suant to the terms of House Simple
Resolution No. 39, for the purpose of
making an investigation into the af-
fairs of the various departments of the
State Government, which said resolu-
tion required that this committee re-
port back to the House before ad-
journment of the Regular Session of
the Forty-fourth Legislature, has
diligently discharged the duties im-
posed by such resolution; and it ap-
pearing that the final date of sine die
adjournment of the Forty-fourth Leg-
islature has been fixed for 12 o'clock
noon, Saturday, May 11, we respect-
fully present herewith a terse report
of the result of our labors, accom-
panying such report with a transcript
of the testimony taken before such
committee, which transcript we at-
tach to this report and make the same
a part hereof.

I

Investigation:

We have made an investigation into
rumored reports of dereliction on the
part of the State Life Insurance Com-
missioner in the performance of his
duties, and in the course of such in-
vestigation have examined the fol-
lowing witnesses: Mr. Sorrell, Mr. El-
mer Adams, Mr. W. G. McCullough,
Mr. Max Werkenthin, Mr. T. M. Mark-
ham, Hon. R. L. Daniel, Life Insur-
ance Commissioner, and Chairman of
the Insurance Commission.

Findings:

In connection with the investigation
of the report concerning the Life In-
surance Commissioner, the committee
finds that at the beginning of the term
of the present Life Insurance Com-
missioner in 1933, he was guilty of
negligence in failing to examine or
acquaint himself with the report filed
by examiners of such division in con-
nection with the examination of the
Southland Life Insurance Company.
However, it is the opinion and conclu-
sion of the committee that such neg-
ligence resulted in no injury to the
State, but on the contrary that had
such Commissioner examined such re-
port and had been active in the dis-
charge of such duties according to the
letter of the law, it would probably

have resulted in a complete break-
down of Texas insurance companies
and would have proved injurious to
the interest of the State of Texas and
policyholders in various Texas insur-
ance companies.

Recommendation:

As an outgrowth of this investiga-
tion this committee has no recommen-
dation to make other than that the
Life Insurance Commissioner and the
heads of other departments of the
State Government be warned to keep
in constant touch with the various
matters entrusted to their supervision.

II

Investigation:

The committee made an investiga-
tion of alleged irregularities in the
expenditure of funds of the State
Highway Department, and in such in-
vestigation examined the following
witnesses: George B. Simpson, State
Auditor; H. J. Wilson, Assistant State
Auditor, and Mr. Johnson.

Findings:

On account of the number of other
investigations called to our attention
and the limited time in which the
committee had to act, it being neces-
sary for all its meetings to be held
at night, we have not been able to
investigate some matters called to our
attention by the State Auditor rela-
tive to the State Highway Depart-
ment. We therefore make no findings
at the present time as to any matters
that should be brought to the atten-
tion of the Legislature.

Recommendation:

We recommend that these matters
be brought before some later commit-
tee and that they go into the matter
and bring the facts to the attention
of the next session of the Legislature.
In the event that this committee be
extended and directed to continue its
labors, a more thorough investigation
should be made of these matters and
a report be made thereof at the next
session of the Legislature.

III

Investigation:

The committee investigated reports
of misappropriation of funds by the
superintendent of the School for the
Deaf and Dumb, and of mistreatment
of the students in such institution,
and in the course of such investiga-
tion examined the following wit-
nesses: H. S. Wiggins, D. B. Sauer,

Hugh Poe, Mrs. Lewis Younger, Adele Brady, Betsy Tolbert, Curtis Patterson, Mrs. Mary Wiggins, Mr. Calhoun and Mrs. Calhoun.

Findings:

Our investigation has not revealed any particular misappropriation of funds on the part of any individual; however, it does appear to the committee and it is the opinion of the committee that there have been instances of unnecessary punishment meted out to the students in the institution, however, the same has not been serious enough to warrant any action on the part of the Legislature.

Recommendation:

The chairman of this committee alone is of the opinion that the head of this institution should be a person who holds a diploma or certificate entitling him to teach underprivileged children, such as these over which he has charge at the present time.

IV

Investigation:

The committee investigated alleged irregularities in the handling of the Jack and Stallion Fund, and the contracts made by the Commissioner of Agriculture for the transportation of jacks and stallions alleged to be in violation of the State Nepotism Law. In connection with such investigation, the committee examined the following witnesses: Hon. J. J. Olsen, member of the House of Representatives; J. E. McDonald, Commissioner of Agriculture; Mr. West and Mr. Murphy, Assistant State Auditors; A. E. McDonald, Jim Tate, and J. M. Reed.

Findings:

The committee finds that J. E. McDonald, Commissioner of Agriculture of the State of Texas, has been lax in his duties and careless relative to the employment of relatives of his in State matters; that he has been careless in selecting purchasing agents of animals to be distributed over the State of Texas; that he has been overgenerous in the payment of caretakers throughout the State for taking care of animals belonging to the State; that he has been arbitrary in his dealings with the funds of the State of Texas and reckless in his disregard of the letter of the law; that he has subjected himself to undue criticism by the acceptance of gifts from persons with whom he

was dealing in behalf of the State; that he has arrogated to himself privileges and powers not sanctioned by law, relative to the organization of extra departmental activities.

Recommendation:

This committee recommends, and has heretofore recommended to a conference committee, that the power of purchasing jacks and stallions be taken from the Commissioner of Agriculture and placed in the State Board of Control, and that the power of the Commissioner of Agriculture to distribute and locate such jacks and stallions throughout the State be subject to the approval of the Board of Control, and that all contracts for their care and maintenance shall be approved by such Board, and all vouchers also approved by them before final payment shall be made.

The House having heretofore acted on a resolution presented by a member of this committee, this committee desires to make no further recommendation with respect to the conduct or punishment of the Commissioner of Agriculture for his careless and negligent conduct in the discharge of his duties.

V

Investigation:

The committee made a short and very incomplete investigation of the sale of counterfeit cigarette stamps in the State of Texas, and in connection with such investigation examined the following witnesses: Mrs. J. E. Treadway, Mr. Graham, and Miss Nancy Painter.

Findings:

This committee found that the State of Texas is losing millions of dollars each year because of the activities of salesmen of counterfeit cigarette stamps. From a cursory investigation, it appears that such counterfeiting is a national racket, and it has been impossible for this committee, in the limited time at hand, to make a full investigation of the means and methods used in evading the State Cigarette Stamp Law.

Recommendation:

This committee recommends that the State Cigarette Tax Law be strengthened in every possible particular, and more careful safeguards be thrown around the printing of such stamps and the possession and discovery of the die used in such

printing. If the life of this committee is continued or another investigating committee is created, we recommend that a full investigation into the sale of counterfeit cigarette stamps be made and some method arrived at by which a cigarette stamp can be made that it is impossible to counterfeit successfully.

VI

Investigation:

This committee investigated the reports that the State Superintendent of Public Instruction was compelling employes of such Department to contribute to various funds for the purpose of paying his campaign debts, discharging personal obligations and purchasing presents for the said State Superintendent of Public Instruction, and examined the following witnesses: Mr. J. W. O'Banion, C. L. Kuykendall, and L. A. Wood, State Superintendent.

Findings:

The investigation by the committee revealed that a number of collections had been made from the employes in the Department of Education for such purposes as the payment of campaign debts of the State Superintendent, the discharge of personal obligations and for the purchase of presents for such State Superintendent. However, the evidence before the committee indicates that whatever donations were made by the employes of the Department were voluntarily made, and that no compulsory donations were required by the official receiving the benefits of the same.

Recommendations:

This committee recommends that the heads of the various State departments should be prohibited from accepting or receiving donations from the employes of such departments, whether voluntary or involuntary, on account of the fact that a mere request for such contribution might assume the strength of a demand, and thus become oppressive to such employes.

VII

Investigation:

The committee investigated reported misconduct of the State Health Officer and in this connection examined the following witnesses: T. M. Markham and Dr. Brown, State Health Officer.

Findings:

The committee finds that the State Health Officer has been guilty of conduct unbecoming a State officer and inconsistent with the dignity of the office which he holds; that he has been careless and negligent in transferring a large amount of funds appropriated by the Legislature for a special purpose for traveling expenses and has utilized a large amount of such funds in taking extensive trips throughout the United States; that he has been careless in the operation of State automobiles and instrumental in practically destroying two automobiles of the State of Texas, and the damages to such automobiles have been paid for out of the funds of the State of Texas.

Recommendation:

The committee recommends and asks that this report be taken as a reprimand to the State Health Officer for his conduct in our findings hereinabove mentioned. The committee is of the opinion that any State owned automobile, when in the care of State employes, is damaged, injured or wrecked on account of the negligence of such employe, that he shall be required to pay whatever amount of damages might have been incurred by reason of such damages. We also would call to the attention of the State Comptroller the diversion of appropriated funds from one purpose to another, and especially the diversion to travelling expenses of the State Health Officer, and demand that he be more careful in the approval of such diversions.

VIII

Investigation:

The committee investigated alleged irregularities in expense accounts of members of the Board of Barber Examiners, and in this connection examined the following witnesses: T. M. Markham and Mr. Elam, Secretary to the Board.

Findings:

The committee finds that the State Board of Barber Examiners has been careless in the approval of their own accounts and have allowed the names of all three such examiners to be signed by any one person, thus lodging in one man the power to exercise the discretion of the other members of the Board without their knowledge, and rendering useless any provision

of the law on regulating the expenditure of funds that demands the approval of all three members of the Board relative to their own personal account. The members of the Board have also shown a disposition to charge the State with the entire amount allowed them under the law as per diem payment for their services even though the rendition of the services may have been unnecessary. In this connection you are informed that they take up the maximum per diem allowance each year at the earliest date possible under the \$10 allowed them for the hundred and fifty days.

Recommendation:

We recommend that hereafter each member be required to sign his own name to each account for per diem or expense allowance and that they only render an account for the actual days that they have been engaged in the transaction of the State's business.

IX

Investigation:

The committee investigated reports that one J. J. Johnson was representing to the East Texas oil operators that he was the personal representative of Governor James V. Allred and that he could stop the prosecution of investigations by the State into the activities of such oil operators and in such investigation, heard the following witnesses: Ranger D. B. Burns, John J. McHaney, alias J. J. Johnson.

Findings:

The committee finds that the said John J. McHaney, alias J. J. Johnson, was not a representative of the Governor but that the representation so made by him was, in all things, false, and admittedly false, and that the representations so made were done for the purpose of extorting money from oil operators who might be engaged in running or handling illegally produced oil. We are satisfied, however, that there was no truth in such rumor nor the statement made by Mr. McHaney, alias J. J. Johnson, and terminated the investigation. We made an investigation of the Penal Statute of this State and found none under which John J. McHaney, alias J. J. Johnson, could be punished. We recommend that such a statute should be passed in the wisdom of the Legislature, at a later date.

X

Investigation:

This committee employed an investigator, upon its creation, for the purpose of investigating the investment of the Permanent Public School Fund of the State of Texas by the State Board of Education, and such investigator has been continuously and diligently working on this matter.

Findings:

Attached hereto and made a part hereof is a full and complete summary of the committee's findings on the condition of the Permanent Public School Fund at this time.

Your committee has expended the sum of \$993.40, necessary to discharge its duties, and hereto attaches an itemized report of same. While this committee has been operating under a great handicap on account of being pressed for time and being unable to meet in the day time, and having carried on its hearings into the night hours, yet we feel we have made a fairly complete investigation of the matters reported; however, there are many other matters that should have been gone into, but on account of lack of time and the press of other legislative duties we have not been able to do so.

As a general recommendation, this committee suggests that at the beginning of the Forty-fifth Legislature the rules of the House be so amended as to provide for a standing committee of seven members on investigations, which said committee would sit upon call of the Chair as does any other standing committee while the Legislature is actually in Session. It is the opinion of the committee that such open investigations and the accessibility of such committee has a salutary effect upon State departmental officials and employees in the proper conduct of their office, and that such a committee would eliminate the necessity for numerous interim investigating committees. We also submit herewith a transcribed copy of all the testimony taken by such committee during its hearings.

With the hope that our investigation will result in some benefit to the State of Texas, the committee submits this as a final report, and re-

spectfully requests that it be discharged.

Respectfully submitted,

GRAVES,
CALVERT,
PETSCH,
HUNTER,
KING,

POPE, with limitations
as to Commissioner of
Agriculture and State
Health Officer.

ADJOURNMENT

Mr. Roane moved that the House adjourn until 9 o'clock a. m., tomorrow.

Mr. Wells moved that the House recess to 8:15 o'clock p. m., today.

Question recurring on the motion by Mr. Roane, it prevailed, and the House, accordingly, at 6:15 o'clock p. m., adjourned until 9 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: House Bill No. 1004.

Public Health: Senate Bill No. 182.

School Districts: Senate Bill No. 201.

State Affairs: House Bill No. 949.

Highways and Motor Traffic: Senate Bill No. 265.

The following committees have filed adverse reports on bills, as follows:

Appropriations: Senate Bill No. 469.

Education: Senate Bill No. 178.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 47, Proposing an amendment to Section 52 of Article III of the Constitution of Texas, by

adding thereto Section 52-a, providing the Legislature may provide by law for the levying and collecting of taxes, other than ad valorem taxes, by counties and cities of the State for furnishing relief to unemployable citizens of the State, and providing that the Legislature is authorized to make grants of public moneys, other than those collected by ad valorem taxes, to counties and cities by aiding in furnishing relief to unemployable citizens of the State,

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 998, A bill to be entitled "An Act amending Title 26 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 66, House Bill No. 122, of the General and Special Laws of the Forty-third Legislature, Second Called Session, page 146; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1003, A bill to be entitled "An Act permitting trustees of independent school districts in certain counties to issue time warrants for the purpose of taking up, refunding, and extending indebtedness incurred for the legal maintenance of schools in said districts up to June 1, 1935; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 999, A bill to be entitled

"An Act validating \$450,000 improvement bonds and \$794,500 refunding bonds of Hidalgo County Water Control and Improvement District No. 7, Hidalgo County, Texas, and proceedings had in connection therewith; validating proceedings authorizing the cancellation of \$1,600,000 bonds of said district; providing for the payment of said bonds; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 988, A bill to be entitled "An Act to prohibit the use of a seine or net for taking fish in Hamilton County, except a seine or net of not less than three-inch square mesh during certain months; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 944, A bill to be entitled "An Act amending Article 7105, eliminating from the provisions thereof, ferry, bridge, turnpike and toll companies, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1004, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appro-

priated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employes of the Regular Session of the Forty-fourth Legislature, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 179, A bill to be entitled "An Act withdrawing from sale or lease for minerals or otherwise all lands situated in the bed of the Nueces River between the lower boundary of La Fruta Dam, now being reconstructed by the City of Corpus Christi, and the junction of the Nueces River with the eastern boundary line of McMullen County, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, May 10, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 994, A bill to be entitled "An Act authorizing any county or district, organized, or which may be hereafter organized, in accordance with the laws of the State of Texas, to purchase for the use or benefit of the people within and adjacent to any such county or district, or the use or benefit of a portion of the area of such political subdivision served thereby, work, buildings, equipment, together with all the rights, lands and easements appurtenant thereto and necessary therefor, for rendering irrigation, flood prevention, drainage, water supply and/or sewerage service, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON
ENROLLED BILLS

Committee Room,
Austin, Texas, May 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 153, Suspending Joint
Rules Nos. 23, 24 and 32 until final
disposition of House Bill No. 1003,

Has carefully compared same, and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, May 10, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 139, Suspending Joint
Rule No. 23 until final disposition of
House Bill No. 988,

Has carefully compared same, and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, May 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 150, Endorsing the
appointment of D. B. Hardeman of
Goliad, Texas, to the position of As-
sistant Director of the Press and
Information Division of the Rural
Resettlement Administration in Wash-
ington, D. C.,

Has carefully compared same, and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, May 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 162, Declaring House
Bill No. 11 to be in full force and
effect from and after the passage of
this resolution,

Has carefully compared same, and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, May 8, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 390, "An Act providing
that the Board of Pardons and Paroles
created by Chapter 45, Acts of First
Called Session, Forty-first Legislature,
shall hereafter sit and have their of-
fices at Huntsville, Walker County,
Texas, and declaring an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, May 9, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 522, "An Act amending
Chapter 138 of the Acts of the Regu-
lar Session of the Forty-third Legisla-
ture so as to extend the provisions
of said Act to include associations or
organizations, or local mutual aid as-
sociations, or State-wide mutual asso-
ciations soliciting or writing insur-
ance in the State of Texas and lim-
iting the period of time licenses pro-
vided for therein shall be effective,
and adding thereto a new Section 7
providing for certain annual fees and
the use thereof by the Insurance Com-
missioner and requiring certain re-
ports and information to be collected
under direction of said Insurance Com-
missioner and providing any residue
of such fund not used for purposes
specified therein shall be carried over
for future years and used for the con-
tinued enforcement of said Act and
making appropriation therefor and
providing manner in which such fund
shall be paid into the State Treasury
and providing for special fund there-
for and specifying purposes for which
special fund may be expended and
adding a new Section 7-a; providing
that all licenses issued under terms of
said Act shall be dated as of March
31 of each year and that such licenses
shall expire on said date, and repeal-
ing all laws and parts of laws in con-
flict herewith, and declaring an emer-
gency,"

Has carefully compared same, and
finds it correctly enrolled.

ATCHISON, Chairman.